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STATUTES AT LARGE

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OF

GENERAL ASSEMBLY

VIRGINIA,

COMMONWEALTH OF VIRGINIA.

FROM OCTOBER SESSION 1792, TO DECEMBER SESSION 1806, INCLUSIVE,

REPRINTED AT THE CANTON, IN THE CITY OF RICHMOND, ON
TUESDAY, THE EIGHTEENTH DAY OF NOVEMBER, ONE THOUSAND SEVEN
HUNDRED AND NINETEEN.

IN THREE VOLUMES,

(NEW SERIES.)

BEING A CONTINUATION OF HENING.

VOL. II.

XV

BY SAMUEL SHEPHERD.

RICHMOND:

PRINTED BY SAMUEL SHEPHERD.

1835.

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ACTS

PASSED AT A 1563397

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
TUESDAY, THE EIGHTH DAY OF NOVEMBER, ONE THOUSAND SEVEN
HUNDRED AND NINETY-SIX.

CHAP. 1.—An ACT to establish public schools.

(Passed December 22, 1796.)

Whereas it appeareth that the great advantages, which civilized Preamble.
and polished nations enjoy, beyond the savage and barbarous nations
of the world, are principally derived from the invention and use of
letters, by means whereof the knowledge and experience of past
ages are recorded and transmitted, so that man, availing himself in
succession of the accumulated wisdom and discoveries of his pre-
decessors, is enabled more successfully to pursue and improve not
only those acts, which contribute to the support, convenience and
ornament of life, but those also, which tend to illumine and ennoble
his understanding, and his nature:

And whereas, upon a review of the history of mankind, it seemeth
that however favorable republican government, founded on the prin-
ciples of equal liberty, justice and order, may be to human happi-
ness, no real stability, or lasting permanency thereof can be ra-
tionally hoped for, if the minds of the citizens be not rendered
liberal and humane, and be not fully impressed with the importance
of those principles from whence these blessings proceed: With a
view therefore, to lay the first foundations of a system of education,
which may tend to produce those desirable purposes,

1. *Be it enacted by the general assembly,* That in every county
within this commonwealth, there shall be chosen annually, by the
electors qualified to vote for delegates, three of the most honest and
able men of their county, to be called the aldermen of the county,
and that the election of the said aldermen shall be held at the same
time and place, before the same persons, and notified and conducted
in the same manner as by law is directed for the annual election of
delegates for the county.

Aldermen to be
elected for each
county, in the
manner and at the
time of electing
delegates.

Aldermen to be furnished with a certificate and notified of their election.

2. The person before whom such election is holden, shall certify to the court of the said county, the names of the aldermen chosen, in order that the same may be entered of record, and shall give notice of their election to the said aldermen within ten days after such election.

Aldermen to meet annually on the second Monday in May, to consider the expediency of carrying this act into execution within their respective counties which shall be laid off into sections.

3. The said aldermen, or any two of them, annually, on the second Monday in May, if it be fair, and if not, then on the next fair day, excluding Sunday, shall meet at the courthouse of their county, and shall then and there proceed to consider the expediency of carrying the subsequent parts and provisions of this present act into execution, within their counties respectively, having regard to the state of the population within the same. And if it shall seem expedient to the said aldermen in any year, to carry into effect the subsequent parts and provisions of this act, the said aldermen are hereby empowered and required to proceed to divide their said county into sections, regulating the size of the said sections, according to the best of their discretion, so as that they may contain a convenient number of children to make up a school, and be of such convenient size that all the children within each section may daily attend the school to be established therein, distinguishing each section by a particular name; which division with the names of the several sections shall be returned to the court of the county, and be entered of record, and shall remain unaltered, until the increase or decrease of inhabitants shall render an alteration necessary, in the opinion of any succeeding aldermen, and also in the opinion of the court of the county.

Householders of each section to meet and determine the most proper place for the school house.

4. The householders residing within every section, shall meet on the first Monday in September next, after the aldermen of their county shall have determined that it is expedient that the provisions of this act shall be carried into execution within the same, at such place within their section as the said aldermen shall direct, notice thereof being previously given to them by such person residing within the section, as the said aldermen shall require, who is hereby enjoined to obey such requisition, on pain of being punished by amercement. The householders being so assembled, shall choose the most convenient place within their section, for building a school house. If two or more places, having a greater number of votes than others, shall yet be equal between themselves, the aldermen, or such of them as are not of the same section, on information thereof, shall decide between them. The said aldermen shall forthwith proceed to have a school house built at the said place, and shall see that the same be kept in repair, and when necessary, that it be rebuilt; but whenever they shall think it necessary that it be rebuilt, they shall give notice as before directed, to the householders of the section, to meet at the said school house, on such day as they shall appoint, to determine by vote in the manner before directed, whether it shall be rebuilt at the same, or what other place in the section.

Proceedings in case two places have an equal vote, &c.

Duration of the authority of the aldermen, and vacancies how supplied.

5. The power and authority of the aldermen elected under this act, who shall first determine in each county respectively, that it is expedient to carry this act into execution, shall continue until the aldermen who may be elected at an ensuing election, shall have actually formed a meeting, and so on in every ensuing year; and if the place of any of the said aldermen shall become vacant by death, resignation or removal out of the county during the period for which

he or they may be elected, such vacancy or vacancies shall be supplied by other fit persons by the court of the county for the remainder of the said period.

6. At every of these schools shall be taught reading, writing and common arithmetic; and all the free children, male and female, resident within the respective sections, shall be entitled to receive tuition gratis, for the term of three years, and as much longer at their private expense, as their parents, guardians or friends shall think proper. The said aldermen shall from time to time appoint a teacher to each school, and shall remove him as they see cause. They or some one of them, shall visit every school once in every half year, at the least, examine the scholars, and superintend the conduct of the teacher in every thing relative to his school.

Learning, what shall be taught in the several schools.

7. The salary of the teacher with the expense of building and repairing a school house in each section shall be defrayed by the inhabitants of each county in proportion to the amount of their public assessments and county levies, to be ascertained by the aldermen of each county respectively, and shall be collected by the sheriff of each county, in the same manner as other public taxes are collected, and paid to the aldermen of each county, at the time appointed for the payment of county levies by the sheriffs; and in case any sheriff shall fail to make payment, the aldermen of his county shall and may recover such assessment from him in the same manner as county creditors are authorized by law to recover from him.

Salary of tutors, and expense of erecting and repairing school houses, how defrayed.

8. *And be it also enacted*, That the mayor, aldermen and common council of the several boroughs and corporations, within this commonwealth, shall have power by a by-law or regulation, to adopt and carry into effect within their respective corporations, the principles and provisions of this act, in such manner as to them may seem most expedient, distinct from the counties within which such corporation may be comprehended.

Corporate towns empowered to act distinct from the counties within which they may be situated.

9. *Provided always, and be it further enacted*, That the court of each county, at which a majority of the acting magistrates thereof shall be present, shall first determine the year in which the first election of said aldermen shall be made, and until they so determine no such election shall be made. And the court of each county shall annually, until each election be made at their court in the month of March, take this subject into consideration and decide thereon.

Proviso as to the first election of aldermen.

10. This act shall commence and be in force, from and after the first day of January, in the year of our Lord, one thousand seven hundred and ninety-seven.

Commencement.

CHAP. 2.—An ACT to amend the penal laws of this commonwealth.

[Passed December 15, 1796.]

1. *Be it enacted*, That no crime whatsoever committed by any free person against this commonwealth, (except murder of the first degree) shall be punished with death within the same.

Punishment by death for crimes committed by free persons abolished.

2. And whereas, the several offences which are included under the general denomination of murder, differ so greatly from each other in the degree of their atrociousness, that it is unjust to involve them in the same punishment: *Be it further enacted*, That all murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of wilful, deliberate and pre-meditated killing, or which shall be committed in the perpetration

Except for murder of the first degree as herein defined.

Jury to ascertain
degree of the mur-
der in all cases.

or attempt to perpetrate any arson, rape, robbery or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree, and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder, in the first or second degree; but if such person shall be convicted by confession, the court shall proceed by examination of witnesses to determine the degree of the crime, and to give sentence accordingly.

Petit treason
punishable as mur-
der.

3. *And be it further enacted*, That every person liable to be prosecuted for petit treason, shall in future be indicted, proceeded against and punished, as is directed in other kinds of murder.

High treason how
punishable.

4. Every person duly convicted of the crime of high treason, shall be sentenced to undergo a confinement in the jail and penitentiary house herein after mentioned, for a period not less than six, nor more than twelve years, and shall be kept therein at hard labour or in solitude, and shall in all things be treated and dealt with as is herein after directed. Every person duly convicted of the crime of arson, or as being an accessory thereto, shall be sentenced to undergo a similar confinement for a period not less than five, nor more than twelve years, under the same conditions as are herein after directed. Every person duly convicted of the crime of rape, or as being accessory thereto before the fact, shall be sentenced to undergo a similar confinement, for a period of time not less than ten years, nor more than twenty-one years, under the same conditions as are herein after directed. Every person duly convicted of the crime of murder in the second degree, shall be sentenced to undergo a similar confinement for a period not less than five years, nor more than eighteen years, under the same conditions as are herein after directed.

Arson, how
punishable.

Rape, how
punishable.

Murder in the se-
cond degree, how
punishable.

Robbery or bur-
glary, how punish-
able.

5. Every person convicted of robbery or burglary, or as accessory thereto before the fact, shall restore the thing robbed or taken, to the owner or owners thereof, or shall pay to him, her or them, the full value thereof, and be sentenced to undergo a similar confinement, for a period not less than three, nor more than ten years, under the same conditions as are herein after directed.

Horse stealing—
how punishable.

6. Every person convicted of horse stealing, or as accessory thereto before the fact, shall restore the horse, mare or gelding stolen, to the owner or owners thereof, or shall pay to him, her or them the full value thereof, and also undergo a similar confinement, for a period not less than two, nor more than seven years, under the same conditions as are herein after directed. Every person convicted of simple larceny to the value of four dollars and upwards, or as accessory thereto before the fact, shall restore the goods or chattels so stolen to the right owner or owners thereof, or shall pay to him, her or them the full value thereof, or so much thereof as shall not be restored; and moreover shall undergo a similar confinement, for a period not less than one nor more than three years, under the same conditions as are herein after directed.

Larceny of the
value of four dol-
lars, how punish-
able.

Larceny under the
value of four how
punishable.

7. If any person shall feloniously take, steal and carry away any goods or chattels under the value of four dollars, the same order and course of trial shall be had and observed as for other simple larcenies, and he, she or they, being thereof legally convicted, shall be deemed guilty of petty larceny, and shall restore the goods and chattels so stolen, or pay the full value thereof to the owner or

owners thereof, and be further sentenced to undergo a similar confinement, for a period not less than six months, nor more than one year, under the same conditions as are herein after expressed.

8. Robbery or larceny of obligations or bonds, bills obligatory, bills of exchange, promissory notes for the payment of money, lottery tickets, paper bills of credit, certificates granted by or under the authority of this commonwealth, or of the United States, or any of them, shall be punished in the same manner as robbery or larceny of goods and chattels. Robbery of obligations, bills obligatory, &c. how punishable.

9. Every person who shall be convicted of having falsely forged and counterfeited any gold or silver coin, which now is, or hereafter shall be passing or in circulation within this state, or of having falsely uttered, paid or tendered in payment, any such counterfeit and forged coin, knowing the same to be forged and counterfeit, or having aided, abetted or commanded the perpetration of either of the said crimes, or shall be concerned in printing, signing or passing any counterfeit notes of the banks of Alexandria or the United States, knowing them to be such, or altering any genuine notes of either of the said banks, shall be sentenced to undergo a confinement in the gaol and penitentiary house herein after mentioned, not less than four, nor more than fifteen years, and shall be kept, treated and dealt with in manner herein after directed, and shall also pay such fine as the court shall adjudge, not exceeding one thousand dollars. Forgery and counterfeiting, how punishable.

10. Whosoever on purpose and of malice aforethought, by lying in wait, shall unlawfully cut out or disable the tongue, put out an eye, slit the nose, cut off the nose, ear or lip, or cut off or disable any limb or member of another, with intention in so doing, to maim or disfigure such person, or shall voluntarily, maliciously and of purpose, pull or put out an eye while fighting or otherwise, every such offender, his or her aiders, abettors and counsellors, shall be sentenced to undergo a confinement in the said gaol and penitentiary house, for any time not less than two, nor more than ten years, and shall be kept, treated and dealt with in manner herein after mentioned; and shall also pay a fine not exceeding one thousand dollars, three fourths whereof shall be for the use of the party grieved. Malicious maiming or disfiguring, how punishable.

11. Whosoever shall be convicted of any voluntary manslaughter, shall be sentenced to undergo an imprisonment, at hard labour and solitary confinement in the said gaol and penitentiary house, for any time not less than two, nor more than ten years, and to give security for his or her good behaviour during life, or for any less time, according to the nature and enormity of the offence; and for the second offence, shall be sentenced to undergo an imprisonment at hard labour and solitary confinement in the said gaol and penitentiary house, for any time not less than six, nor more than fourteen years. Voluntary manslaughter, how punishable.

12. Whosoever any person shall be charged with involuntary manslaughter, happening in consequence of an unlawful act, it shall and may be lawful for the attorney general, or other person prosecuting the pleas of the commonwealth, with the leave of the court, to waive the felony, and to proceed against and charge such person with a misdemeanor, and to give in evidence any act or acts of manslaughter, and such person or persons, on conviction shall be fined or imprisoned as in cases of misdemeanor; or the said attorney general, or other person prosecuting the pleas of the com-

monwealth, may charge both offences in the same indictment, in which case, the jury may acquit the party of one, and find him or her guilty of the other charge.

Benefit of clergy
done away.

13. All claims to dispensation from punishment by benefit of clergy, shall be and are hereby forever abolished; and every person convicted of any felony heretofore deemed clergyable, shall undergo an imprisonment at hard labour and solitary confinement in the said gaol and penitentiary house, for any time not less than six months, and not more than two years, and shall be treated and dealt with as is directed hereafter, except in those cases where some other specific penalty is prescribed by this act.

Murder of the first
degree punishable
by death.

14. Every person convicted of murder of the first degree, his or her aiders, abettors and counsellors, shall suffer death by hanging by the neck.

Periods of confine-
ment in all cases
determinable by a
jury.

15. The jury before whom any offender may be tried, shall decide upon, and in their verdict ascertain the time within the respective periods prescribed, during which such offenders shall undergo confinement in the gaol and penitentiary house herein after mentioned, according to the directions of this act.

Offences not
punishable by this
act, to be punished
as heretofore.
Executive to pur-
chase land near
the city of Rich-
mond for the erec-
tion of the gaol,
&c.

16. Every other felony, misdemeanor or offence whatsoever, not provided for by this act, may and shall be punished as heretofore.

17. The executive of this commonwealth are hereby requested as soon as may be, to cause as much land in or near the city of Richmond, to be purchased for the use of the commonwealth, as will be sufficient for the building of a gaol and penitentiary house, which shall be constructed of brick or stone, upon such plan as will best prevent danger from fire, and sufficient to contain with convenience two hundred convicts at least, with a yard sufficiently capacious adjoining thereto, for the said convicts occasionally to walk about and labour in, which said yard shall be surrounded by walls of such height, as without unnecessary exclusion of air will be sufficient to prevent the escape of the prisoners.

Executive to cause
cells to be con-
structed in the
yard of the gaol.

18. The executive are hereby also requested to cause a suitable number of cells to be constructed in the yard of the said gaol, each of which cells shall be six feet in width, eight feet in length, and nine feet in height, and shall be constructed of brick or stone, upon such plan as will best prevent danger from fire, and the said cells shall be separated from the common yard by walls of such height, as without unnecessary exclusion of air and light, will prevent all external communication, for the purpose of confining therein the offenders who may be sentenced to solitary confinement by virtue of this act.

Executive to draw
from the treasury
money to defray
the expense of
building the gaol,
&c.

19. And for the purpose of defraying the expense of purchasing such land, and of erecting such gaol, cells and walls, the governor by and with the advice of council, shall be and is hereby authorized from time to time to draw from the treasury, a sum not exceeding thirty thousand dollars, to be paid out of any monies which may be in the treasury unappropriated to other purposes, and shall from time to time cause to be laid before the general assembly an account of the expenditure of the same.

Criminals to be
confined in the
gaol and cells.

20. The said gaol and cells shall be appropriated to the purpose of confining such males and females as shall have been convicted of the offences above enumerated as punishable with imprisonment and labour, but the males and females are hereby required to be kept separate and apart from each other; and all the prisoners shall

be subject to the visitation and superintendence of the inspectors herein after appointed.

21. Every person convicted in any district court in this state, of any crime (except murder of the first degree) herein before specified, shall, as soon as possible after conviction, be safely removed and conveyed by the sheriff of the county or serjeant of the corporation in which the crime or offence shall have been committed, and at the expense of the commonwealth, to the said gaol and penitentiary house, and therein be kept during the term of their confinement, in the manner and on the terms herein after mentioned. And every sheriff or serjeant who shall neglect to remove and safely deliver at the gaol aforesaid such convict, shall forfeit and pay the sum of one hundred dollars, to be recovered in any court of record, and applied, one half to the use of the county or corporation where the offence was committed, the other to such person as shall sue for the same.

Criminals to be conveyed by sheriffs or serjeants of corporations to the gaol.

Penalty for failing to deliver such criminals.

22. Every person convicted of any of the crimes aforesaid, and who shall be confined in the gaol and penitentiary house aforesaid, shall be placed and kept in the solitary cells thereof, on low and coarse diet, for such part or portion of the term of his or her imprisonment as the court in their sentence shall direct and appoint: *Provided*, That it be not more than one half, nor less than one twelfth part thereof; and that the inspectors of the said gaol shall have power to direct the infliction of the said solitary confinement, at such intervals and in such manner as they shall judge best.

The court to determine what portion of time criminals shall be confined in solitary cells.

Proviso as to the structure of the gaol.

23. And whereas it is of importance that the nature of the offence, and the former conduct and character of the convicts should be known by the said inspectors, *Be it further enacted*, That whenever any person shall be convicted of any crime which now is capital or a felony of death, the court before whom such conviction is had, shall before their adjournment to another term, make and cause to be transmitted to the said inspectors a report, or short account of the circumstances attending the crime committed by such convict, particularly such as tend to aggravate or extenuate the same, and also what character the said convict appeared on the trial to sustain, and whether he had at any time before been convicted of any felony or other infamous crime; which report the said inspectors shall cause to be entered in books or registers to be provided for that purpose.

Character of criminals to be reported to the inspectors of the gaol.

And the report to be recorded.

24. If any person convicted of any crime which now is capital, or a felony of death without benefit of clergy, shall commit any such offence a second time, and be thereof legally convicted, he or she shall be sentenced to undergo an imprisonment in the said gaol and penitentiary house, at hard labour, during life, and shall be confined in the said solitary cells at such times and in such manner as the inspectors shall direct; and if any person sentenced to hard labour and solitary confinement by virtue of this act, shall escape or be pardoned, and after his or her escape or pardon, shall be guilty of any such offence as now is capital, or felony of death without benefit of clergy, such person shall be sentenced to undergo an imprisonment for the term of twenty-five years, and shall be confined in the solitary cells aforesaid, at the discretion of the said inspectors.

Persons convicted a second time of an offence capital or a felony without benefit of clergy shall be sentenced for life.

Persons sentenced to hard labour and solitary confinement are pardoned and are guilty of an offence now a felony of death, how punishable.

25. If any person after this act shall, by proclamation of the governor as herein after mentioned, be declared in force, be convicted

Persons convicted of crimes before this act shall have

been declared in force, may pray the benefit of this act, when declared in force.

of any crime, committed before the said day, he or she shall be sentenced to undergo such pains and punishment, as by the laws now in force are prescribed and directed, unless such convict shall openly pray the court before whom such conviction shall be had, that sentence may be pronounced agreeably to the provisions of this act for the like offence; in which case the said court shall comply with the said prayer, and pass such sentence on such convict, as they would have passed had the said offence been committed subsequent to the said day.

Privileges of criminals in the course of their trial.

26. No person indicted for any crime, the punishment whereof is altered by this act, shall lose any peremptory challenge, to which he or she would have been entitled, had this act not been passed; nor be liable to be tried in any other courts than those in which they now are or may be tried for the same offences.

Preventative means of infection in the penitentiary house.

27. In order to prevent the introduction of contagious disorders, every person who shall be ordered to hard labour in the said gaol, shall be separately lodged, washed and cleaned; and shall continue in such separate lodging, until it shall be certified by some physician, that he or she is fit to be received among the other prisoners, and the cloathes in which such person shall then be clothed, shall either be burnt, or at the discretion of two of the said inspectors, be baked, fumigated, or carefully laid by until the expiration of the term for which such offender shall be sentenced to hard labour, to be then returned to him or her.

Cloathing of the prisoners—their general treatment, as to diet, labour, &c.

28. All such convicts shall, at the public expense, during the term of their confinement, be clothed in habits of coarse materials, uniform in colour and make, and distinguishing them from the good citizens of this commonwealth; and the males shall have their heads and beards close shaven at least once in every week, and all such offenders shall, during the said term, be sustained upon bread, Indian meal, or other inferior food, at the discretion of the said inspectors, and shall be allowed two meals of coarse meat in each week, and shall be kept, as far as may be consistent with their sex, age, health and ability, to labour of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and where the materials are not easily embezzled or destroyed; and if the work to be performed is of such a nature as may require previous instruction, proper persons for that purpose, to whom a suitable allowance shall be made, shall be provided by order of any two of the inspectors hereafter named; during which labour the said offenders shall be kept separate and apart from each other, if the nature of their several employments will admit thereof, and where the nature of such employment requires two or more to work together, the keeper of the said gaol, or one of his deputies, shall, if possible, be constantly present.

Allowance to persons instructing prisoners in work.

Prisoners—their hours of employment.

29. Such offenders unless prevented by ill health, shall be employed in work every day in the year, except Sundays, and such days when they shall be confined in the solitary cells; and the hours of work in each day, shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in the months of November, December and January; nine hours in the months of February and October, and ten hours in the rest of the year; and when such hours of work are past, the working tools, implements and materials, or such of them as will admit of daily remo-

val, shall be removed to places proper for their safe custody, until the hour of labour shall return.

30. The keeper of the said gaol shall from time to time, with the approbation of any two of the inspectors herein after mentioned, provide a sufficient quantity of stock and materials, working tools and implements for such offenders, for the expense of which the said inspectors, or any two of them, shall be, and they are hereby authorized to draw orders, to be countersigned by the auditor of public accounts, on the treasurer of this commonwealth, if need shall be, specifying in such orders the quantity and nature of the materials, tools or implements wanted, which order the said treasurer is hereby required to discharge out of any money which may be at the time in the treasury: for which materials, tools and implements, when received, the said keeper shall be accountable; and the said keeper shall, with the approbation of any two of the said inspectors, have power to make contracts with any person whatever, for the cloathing, diet and all other necessaries, for the maintenance and support of such convicts, and for the implements and materials of any kind of manufacture, trade or labour, in which such convicts shall be employed, and for the sale of such goods, wares and merchandizes as shall be there wrought and manufactured; and the said keeper shall cause all accounts concerning the maintenance of such convicts and other prisoners to be entered regularly in a book or books to be kept for that purpose, and shall also keep separate accounts of the stock and materials so wrought, manufactured, sold and disposed of, and the monies for which the same shall be sold, and when sold, and to whom, in books to be provided for those purposes; all which books and accounts shall be at all times open for the examination of the said inspectors, and shall be regularly laid before them at their quarterly or other meetings, as herein after is directed, for their approbation and allowance.

Gaoler to provide tools wherewithal to employ the prisoners.

And with the approbation of two of the inspectors may contract for the cloathing and diet of the prisoners, and for the sale of manufactures by them wrought, &c.

Of all which he shall keep accounts.

31. If the said inspectors at their quarterly or other meetings, shall suspect any fraudulent or improper charges, or any omission in any such accounts, they may examine upon oath or affirmation the said keeper or any of his deputies, servants or assistants, or any person of whom any necessaries, stock, materials or other things have been purchased for the use of the said gaol, or any persons to whom any stock or materials wrought or manufactured therein have been sold, or any of the offenders confined in such gaol, or any other person or persons concerning any of the articles contained in such accounts, or any omission thereof, and in case any fraud shall appear in such accounts, the particulars thereof shall be reported by the said inspectors to the mayor of the city of Richmond, for the purposes herein after mentioned.

Power given the inspectors to detect frauds.

32. In order to encourage industry as an evidence of reformation, separate accounts shall be opened in the said books for all convicts sentenced to hard labour for six months and upwards, in which such convicts shall be charged with the expenses of cloathing and subsistence, and such proportionable part of the expenses of the raw materials upon which they shall be employed, as the inspectors, at their quarterly, or other meetings, shall think just, and shall be credited with the sum or sums from time to time received by reason of their labour, and if the same shall be found to exceed the said expenses, the said excess shall be laid out in decent raiment for such

Rewards to the industrious in certain cases.

convicts at their discharge, or otherwise applied to their use and benefit, as the said inspectors shall upon such occasions direct; and if such offender at the end or other determination of his term of confinement, shall labour under any acute or dangerous distemper, he shall not be discharged unless at his own request, until he can be safely discharged.

Visits or entrance into the prison prohibited generally, except by license.

33. No person whatever, except the keeper, his deputies, servants or assistants, the said inspectors, officers and ministers of justice, ministers of the gospel, or persons producing a written license, signed by two of the said inspectors, shall be permitted to enter within the walls where such offenders shall be confined: and the doors of all the lodging rooms and cells in the said gaol shall be locked, and all light therein extinguished at the hour of nine, and one or more watchmen shall patrol the said gaol at least twice in every hour from that time until the return of the time of labour in the morning of the next day.

Walls of the cells and apartments to be whitewashed at stated periods.

34. The walls of the cells and apartments in the said gaol shall be whitewashed with lime and water at least twice in every year, and the floors of the said cells and apartments shall be washed once every week, or oftener, if the said inspectors shall so direct, by one or more of the said prisoners in rotation, who at the discretion of the said keeper, shall have an extra allowance of diet for so doing; and the said prisoners shall be allowed to walk and air themselves for such stated time as their health may require, and the said keeper shall permit; and if proper employment can be found, such prisoners may also be permitted with the approbation of two of the said inspectors to work in the yard, provided such airing and working in the yard be in the presence or within the view of the said keeper, or his deputies or assistants.

An infirmary directed at the extreme end of the west wing of the gaol, and how regulated.

35. One or more of the apartments in the second story of the said gaol, and at the extreme end of the west wing, shall be fitted up as an infirmary, and in case any such offender being sick, shall upon examination of a physician be found to require it, he or she shall be removed to the infirmary, and his or her name shall be entered in a book to be kept for that purpose, and when such physician shall report to the said keeper that such offender is in a proper condition to quit the infirmary and return to his or her employment, such report shall be entered by the said keeper in a book to be kept for that purpose, and the said keeper shall order him or her back to his or her former labour, so far as the same shall be consistent with his or her state of health; and the mayor and aldermen of the city of Richmond shall from time to time appoint a physician to attend the said gaol.

Keeper of the said gaol may punish prisoners in certain cases.

36. The keeper of the said gaol shall have power to punish all such prisoners guilty of assaults within the said gaol, when no dangerous wound or bruise is given, profane cursing and swearing, or indecent behaviour, idleness or negligence in work, or wilful mismanagement of it, or of disobedience to the orders or regulations herein after directed to be made, by confining such offenders in the solitary cells of the said gaol, and by keeping them upon bread and water only for any term not exceeding two days; and if any such prisoner shall be guilty of any offence within the said gaol which the said keeper is not hereby authorized to punish, or for which he shall think the said punishment is not sufficient, by reason of the enormity of the offence, he shall report the same to two of the said

inspectors, who, if upon proper enquiry they shall think fit, shall certify the nature and circumstances of such offence, with the name of the offender to the mayor of the city of Richmond, and the mayor shall thereupon, order such offences to be punished by moderate whipping, or repeated whippings, not exceeding thirteen lashes each, or by close confinement in the said solitary cells, with bread and water only for sustenance, for any time not exceeding six days, or by all the said punishments.

Recourse to be had in other cases to the mayor of the city.

37. It shall be lawful for the governor with the advice of council, to appoint a suitable person to be keeper of the said gaol, who shall however be liable to be removed whenever occasion may require, in which case another shall, from time to time be appointed in like manner, who shall receive as a full compensation for his services, and in lieu of all fees and gratuities, by reason or under colour of the said office, so much as the governor with the advice of council, at the time such appointment shall be made, shall direct, to be paid in quarterly payments, by orders drawn on the treasury of this commonwealth by the auditor of public accounts, and also five per centum on the sales of all articles manufactured by the said criminals; and such keeper shall have power with the approbation of the governor and council, to appoint a suitable number of deputies and assistants, at such reasonable allowances as the governor with the advice of council, shall think just, which allowances shall be paid quarterly in like manner; and before any such gaoler shall exercise any part of the said office, he shall give bond to the governor of the commonwealth, with two sufficient sureties, to be approved by the court of the city of Richmond, in the sum of two thousand dollars, upon condition that he, his deputies and assistants, shall well and faithfully perform the trusts and duties in them reposed; which said bond, being executed before, and certified by the said court, shall be recorded therein, and copies thereof, attested by the clerk of the said court, shall be legal evidence in all courts of law in any suit against such gaoler or his deputies.

Keeper of the gaol to be appointed and his salary fixed by the executive, and liable to removal, &c.

Additional compensation to the keeper.

Keeper may appoint assistants, and shall enter into bond for the due discharge of his duty.

38. It shall be lawful for the said court of the city of Richmond at the first court after the time when the said gaol shall be erected agreeably to the directions of this act, to appoint twelve inspectors, six of whom shall be in office for six months, and six for twelve months, and so during every succeeding six months, six inspectors shall be appointed by the said court, who shall be in office for twelve months; and if any person so appointed, not having a reasonable excuse, to be approved of by the said court, shall refuse to serve in the said office, he shall forfeit and pay the sum of thirty dollars; to be recovered by action of debt, the one half to the use of the person suing, the other half to be paid to the treasurer of this commonwealth; to be applied to the purposes herein before mentioned.

Court of the city of Richmond to appoint inspectors.

Penalty for refusal to act as inspector.

39. The said inspectors, seven of whom shall be a quorum, shall meet once in three months in an apartment to be provided for that purpose in the said gaol, and may be specially convened by the two acting inspectors when occasion shall require; and they shall at their first meeting appoint two of their members to be acting inspectors, who shall continue such for such time as shall be directed by the said inspectors, or a majority of them, when met together. And the acting inspectors shall attend the said gaol at least once in each week, and shall examine into and inspect the management of the said gaol and the conduct of the said keeper and his deputies,

Inspectors to meet once in three months, and may be specially convened.

so far as respects the said offenders employed at hard labour by the directions of this act, and shall do and perform the several matters and things herein before directed by them to be performed.

Rules and orders to be hung up in different parts of the gaol.

Penalty on keeper and his assistants for resisting an inspector's authority.

Penalty on keeper in case of escapes.

Proviso.

Punishment of criminals in case of escape.

Penalty for introducing into the gaol spirituous or fermented liquor.

Repealing clause.

Commencement.

40. The board of inspectors, at their quarterly or other meeting, shall make such other and further orders and regulations for the purpose of carrying this act into execution as shall be approved of by the executive; and such orders and regulations shall be hung up in at least six of the most conspicuous places in the said gaol; and if the said keeper or any of his deputies or assistants shall obstruct or resist the said inspectors or any of them in the exercise of the powers and duties vested in them by this act, such person shall forfeit and pay the sum of sixty dollars, to be recovered as aforesaid, and shall moreover be liable to be removed in manner aforesaid from his respective office or employment in the said gaol.

41. The said keeper of the gaol, his deputies and assistants, in case any of the said offenders shall escape from confinement without the knowledge or consent of the said keeper, his deputies or assistants, shall forfeit and pay the sum of thirty dollars, to be recovered and applied in manner aforesaid: *Provided*, That nothing in this act contained shall be deemed or taken to extend to escapes voluntarily suffered by the keeper of the said gaol.

42. If any such offender sentenced to hard labour shall escape, he or she shall on conviction thereof, suffer such additional confinement and hard labour, agreeably to the directions of this act, and shall also suffer such additional corporal punishment, not extending to life or limb, as the court in which such offender shall have been convicted, shall adjudge and direct.

43. If the gaoler or any other person, shall introduce into, or give away, barter, or sell within the said gaol any spirituous or fermented liquors, except only such as the said keeper shall make use of in his own family, or such as may be required for any prisoner in a state of ill health, and for such purpose prescribed by an attending physician, and delivered into the hands of such physician or other person appointed to receive them, such person shall forfeit and pay the sum of twenty dollars, one moiety thereof to the use of the person suing, the other moiety to be paid to the said inspectors for the purposes in this act contained.

44. All acts and parts of acts coming within the purview of this act, shall, on the operation of this act, be thereby repealed.

45. So much of this act as respects the purchase of land, and building thereon the above-mentioned gaol and cells, shall commence and be in force from the passing thereof. The other parts thereof shall remain suspended in their operation until the governor by advice of council, shall issue his proclamation declaring the said gaol to be in a situation fit to receive offenders, when the said other parts of this act shall commence and be in operation.

CHAP. 3.—An ACT making provision for the support of civil government.

(Passed December 23, 1796.)

Taxes on lands, slaves and other property.

1. *Be it enacted by the general assembly*, That the public taxes for the year one thousand seven hundred and ninety-six, shall be as follows, to wit: On lands, for every hundred dollars value, agreeable to the equalizing law, twenty-five cents; for every slave above the age of twelve years, (except such as have been or shall be exempted by reason of age or infirmity, by the respective county or

corporation courts,) twenty-eight cents; for every stud horse and jack ass, the price at which such horse or ass covers a mare the season; for all other horses, mules, mares and colts, six cents each; for every ordinary license, six dollars and sixty-seven cents; for every billiard table, fifty dollars; for all lots and houses in towns, two dollars and seventy-eight cents, on every three hundred and thirty-three dollars and thirty-four cents of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners or either of them to ascertain the rent paid on houses, or lots actually leased, may call on the tenant or proprietor to declare upon oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called upon and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion on ten days previous notice, to be made by the commissioners of the revenue or either of them; for every four wheeled riding carriage, except phaetons and stage waggons, one dollar per wheel; for all phaetons and stage waggons, sixty-seven cents per wheel; for every other riding carriage with two wheels, thirty-four cents per wheel: *Provided*, That no tax shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship or seminary of learning.

2. *And be it further enacted*, That the following tax on law process shall be paid: On each writ or declaration in ejectment, instituting a suit in the district court, or *subpœna* in the high court of chancery, the sum of one dollar; on each appeal to the high court of chancery, two dollars; on each writ of error, *supersedeas* and *habeas corpus cum causa*, or *certiorari* issued from the general court, a district court, or high court of chancery, one dollar; on each appeal from any county court or court of hustings to a district court, one dollar; the said taxes shall by the respective clerks be taxed in the bill of costs; on each certificate under the seal of any county or corporation court, there shall be paid a tax of one dollar. No writ, *subpœna*, or any writ of error, *supersedeas*, *certiorari* or *habeas corpus cum causa*, shall be issued, or declaration in ejectment filed by any clerk, unless the taxes hereby imposed thereon be first paid down. In all appeals no transcript of the record shall be delivered to the appellant by the clerk of the court, or forwarded by him to a superior court, before the tax thereon be paid, nor shall any certificates under the seal of any county or corporation court be granted, until the tax thereon shall have been first paid to the clerk keeping such seal. There shall be paid forty-two cents for every transfer of a surveyor's certificate for land, to be collected by the register of the land office before the issuing of the patent. For every attestation, protestation, and all other instruments of publication from a notary public under his seal of office, fifty cents, to be collected and accounted for by the said notary public, and one dollar for each certificate under the seal of the commonwealth, to be collected by the

On process and appeals.

On certificates under county seals.

On surveyors' certificates of transfer—Notarial seals and the seal of the commonwealth.

clerk of the council before the delivery of such certificate, which last mentioned taxes shall be accounted for and paid in like manner, and with the like commissions for collecting as is directed in the case of other taxes imposed by this act.

Commencement. 3. This act shall commence and be in force from and after the passing thereof.

CHAP. 4.—An ACT for appropriating the public revenue.

(Passed December 23, 1796.)

Taxes constituting a general fund.

Appropriation thereof.

1. *Be it enacted by the general assembly*, That all taxes and arrearages of taxes, except the arrearages of the certificate tax, and all branches of revenue which shall arise to the commonwealth between the last day of December, one thousand seven hundred and ninety-six, and the first day of January, one thousand seven hundred and ninety-eight, shall constitute a general fund, and be appropriated to the support of the civil government, and for the contingent charges thereof, and shall also be charged with the payment of all unsatisfied warrants charged on the said taxes and arrearages of taxes by the act of the last session of assembly, intituled, "*An act for appropriating the public revenue*;" of warrants which shall be hereafter issued for expenses attending criminal prosecutions; for slaves condemned and executed; for the state's shares in the James river, Patowmac, Appomattox and the Dismal swamp canal companies; for the hospital for the cure and maintenance of persons of unsound mind; to the directors of the public buildings for a sum not exceeding five thousand dollars; for the expenses attending the arsenal at the Point of Fork; for all pensions allowed by this commonwealth; for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts in the year one thousand seven hundred and ninety-seven, for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present general assembly, for which no provision has been made.

Deficiency in certain funds, how supplied.

2. And if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof, on account of the state's shares in the James river, Patowmac, Appomattox and Dismal swamp canal companies; for the hospital for the cure and maintenance of persons of unsound mind; for pensions due by this commonwealth; and for salaries allowed by law to certain officers of the militia, should not be productive early enough for those purposes, it shall be lawful for the executive to direct the treasurer to borrow as much money as shall be deficient out of any other funds, and to replace the same as soon as possible.

Repealing clause.

3. All acts coming within the purview of this act, shall be and are hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 5.—An ACT to amend the act, intituled, "An act reducing into one the several acts concerning the fees of certain officers, and declaring the mode of discharging the said fees and county levies."

[Passed December 29, 1796.]

Additional fees to clerks of courts for certain services.

1. *Be it enacted by the general assembly*, That in addition to the fees now allowed by law to the clerks of courts within this com-

monwealth, they may demand and receive the following fees for the services herein after mentioned :

When any deed of feoffment, or bargain and sale, or other deed for conveying and settling lands and tenements only, or together with slaves and personal estate, shall be recorded, for every separate and distinct tract, piece or parcel of land, other than the first therein contained, twenty-five cents.

The fees for recording deeds where the grantees reside not within this state, shall be secured to the clerk before he shall be obliged to enter the proof or acknowledgment of the same of record. And in all cases, persons instituting suits in the courts of this commonwealth, not resident within the state, requiring services of the clerk of any court, shall secure the payment of the fees for such services, before the said clerk shall be obliged to perform the same.

Nonresidents to give security.

2. And be it further enacted, That it shall be considered as the duty of the clerks of the several counties within this commonwealth, to enter of record the recommendations of officers proper to fill vacancies in the militia, and qualify them without any fee for the same.

Recommendations and qualifications of militia officers to be recorded without fees.

3. All and every act or acts coming within the purview of this act, shall be and are hereby repealed.

Repealing clause.

4. This act shall commence in force from the passing thereof.

Commencement.

CHAP. 6.—An ACT making provision for the repayment of monies paid into the treasury, in pursuance of an act "For sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties."

(Passed December 19, 1796.)

1. Be it enacted by the general assembly, That the treasurer of this commonwealth for the time being, upon the application of any person or persons having title thereto, shall deliver to him or them a certificate for each sum of money paid into the treasury under an act, intituled, "*An act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties,*" according to the principle of an act, intituled, "*An act concerning monies paid into the public loan office in payment of British debts,*" and such certificate shall express the value of the sum so paid, after the same shall have been reduced by the scale of depreciation established by one other act of the general assembly, intituled, "*An act directing the mode of adjusting and settling the payment of certain debts and contracts, and for other purposes,*" to be due, with interest thereon at the rate of six per centum per annum, from the respective days on which such payments were severally made.

Treasurer to grant certificates for the amount of payments into the treasury in discharge of British debts.

2. Be it enacted, That in all cases where estates have been sequestered under the act, intituled, "*An act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties,*" and not confiscated under the act, intituled, "*An act concerning escheats and forfeitures from British subjects,*" and money shall have been paid into the loan office on account of the owner of such sequestered estate in pursuance of the said first recited act, it shall and may be lawful for the auditor to issue to the person on whose account such payment has been made, or to his or her representatives, a certificate or certificates for the value thereof,

Auditor to grant certificates for the amount of money deposited in the treasury for sequestered estates.

according to the scale of depreciation, with interest in like manner as is directed in cases where payments have been made into the loan office by British debtors, under the said first recited act.

CHAP. 7.—An ACT to amend the act, intituled, “An act reducing into one the several acts for regulating the inspection of flour and bread.”

(Passed December 22, 1796.)

Inspections of flour established at Milton, &c.

1. *Be it enacted by the general assembly*, That at each of the following places, to wit: Milton, in the county of Albemarle, the mouths of Harman's creek and Cross creek, in the county of Ohio, one inspector of flour shall be appointed in the same manner and under the like regulations as are directed and prescribed by the act passed in the year one thousand seven hundred and ninety-two, intituled, “*An act reducing into one the several acts for regulating the inspection of flour and bread.*”

Mixed flour forfeited and sold by the inspector for the benefit of the state.

2. *And be it further enacted*, That if any miller or other person manufacturing flour; shall mix therewith flour of any other grain than wheat, the whole of such mixed flour shall be condemned by the inspector, who shall cause the same to be sold for the benefit of the commonwealth, after having given notice of the time and place of such sale for three weeks successively in some public gazette. And the inspector shall be allowed to retain as a commission for his trouble therein five *per centum* upon the money produced by the sale of such mixed flour. And it shall be the duty of the several inspectors within this commonwealth, to account with the auditor and pay into the public treasury half yearly, the money arising from the sale of such condemned flour.

Judgment or want of skill in an inspector in cases of mixed flour, how corrected.

3. *Provided nevertheless*, That when any person shall think himself aggrieved by the judgment or want of skill in an inspector in condemning flour on account of such mixture, it shall be lawful for such person to apply to a justice of the peace, who shall, at the charge of the complainant, issue a warrant directed to three indifferent persons, well skilled in the manufacture of flour, to view and examine the same; which said three persons having taken the same oath or affirmation as is by law directed to be taken by the several inspectors of flour, shall carefully view and examine the same, and if they or any two of them shall pass and declare the same to be merchantable, in such case the inspector shall erase out the word condemned, and put such brand on the said flour as they or any two of them shall direct, and shall repay to the complainant his costs; but if on such review the judgment of the inspector shall be confirmed, in such case the owner of the flour shall pay the cost of such review.

Inspection at Pocahuntas discontinued.

4. *Be it further enacted*, That so much of the above recited act, as establishes an inspection of flour at Pocahuntas, shall be and the same is hereby repealed.

Commencement.

5. This act shall commence and be in force from and after the first day of March next.

CHAP. 8.—An ACT to amend the act, reducing into one, all the acts and parts of acts relating to the appointment and duties of sheriffs.

(Passed December 23, 1796.)

Repealing clause.

1. *Be it enacted*, That the fourth section of the act passed at the last session of the general assembly, intituled, “*An act to amend the act to reduce into one, all the acts and parts of acts relating*

to the appointment and duties of sheriffs," shall be, and the same is hereby repealed.

2. *Be it further enacted*, That all sheriffs now in office or who shall hereafter come into office, and shall on or before the time appointed by law, pay into the treasury the full amount of the public revenue due from the counties in which they now act, or hereafter may act as sheriffs, shall at the time of making such payments respectively, be entitled to an additional compensation of two and an half *per centum* on the amount of the taxes by them accounted for and paid into the treasury, over and above the commission heretofore allowed by law in such cases. Additional allowance to sheriffs in certain cases.

3. *And be it further enacted*, That all sheriffs who have paid into the treasury the full amount of the taxes due from their respective counties, for the year one thousand seven hundred and ninety-five, on or before the time prescribed by law, shall also receive in addition to the commission heretofore allowed by law, a commission of two and an half *per centum* upon the amount of the taxes by them so paid into the treasury; and the auditor of public accounts is hereby directed to issue to the said sheriffs in all such cases, warrants on the treasurer for the amount of all such commissions to which they may be respectively entitled under this act; any law to the contrary or seeming to the contrary notwithstanding. Allowance to sheriffs for the preceding year in like cases.

4. This act shall be in force from and after the passing thereof. Commencement.

CHAP. 9.—An ACT to alter the time of the annual meeting of the general assembly.

(Passed December 24, 1796.)

Be it enacted, That the meeting of the general assembly shall hereafter be on the first Monday in December, in every year; any law to the contrary thereof notwithstanding. General assembly, when holden.

CHAP. 10.—An ACT to suspend the operation of the act, intituled, "An act for collecting and publishing all the acts of the legislature, concerning lands."

(Passed December 27, 1796.)

1. *Be it enacted by the general assembly*, That the operation of the act passed on the fourth day of December, one thousand seven hundred and ninety-five, intituled, "An act for collecting and publishing all the acts of the legislature concerning lands," be suspended until the first Monday in December next. An act herein cited, suspended.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 11.—An ACT to amend the act, intituled, "An act to amend and reduce into one, the several acts concerning slaves, free negroes and mulattoes."

(Passed December 23, 1796.)

1. *Be it enacted*, That it shall and may be lawful for any citizen of these United States, residing in or owning lands within this state, who has carried or may carry any slave or slaves born within this state, into any other state, and who has not sold or hired or shall not hereafter sell or hire out such slaves, to bring him, her or them back again into Virginia, without incurring any penalty therefor, nor shall such slave or slaves be entitled to freedom on that account. Owners of land or residents within this state may bring certain slaves from other states.

Provided always, That if any such slave or slaves be entitled to freedom under the laws of that state, to which he, she or they may Proviso.

have been or shall hereafter be removed, such right shall remain; any thing in this act notwithstanding.

Commencement. 2. This act shall be in force from the passing thereof.

CHAP. 12.—An ACT concerning the inspection of tobacco.

(Passed December 26, 1796.)

Preamble.

Whereas, the act, intituled, "*An act for reducing into one, the several acts of assembly for the inspection of tobacco*," hath in many parts been found defective, and it is necessary that the same should be amended:

Courts of certain counties to appoint commissioners for the purposes herein mentioned.

Duty of such commissioners.

1. *Be it enacted by the general assembly*, That the courts of the several counties wherein public warehouses for the inspection of tobacco have been or may be established, shall annually, in the months of August or September, appoint one or more commissioners, of capacity and integrity, whose duty it shall be to provide that proper conveniences and repairs be provided and made at the several warehouses in their county; that proper scales and weights be provided, kept in repair, and examined and compared with the standard weights of the county once in six months at least; that they visit in the same space of time each warehouse at least once, and see that the tobacco therein is properly stored away and secured; and that the inspectors in all things diligently discharge their duty: and if they shall discover in any inspector any negligence or breach of his duty, they shall certify the same to the executive if it be of such a nature as to remove such inspector from office; and in all other cases, such neglect or breach of duty shall be certified to the court which appointed such inspector, whereupon they shall proceed against him according to law: *Provided*, That to the warehouses in the town of Petersburg, one person shall be appointed by the court of each of the counties of Prince George, Dinwiddie and Chesterfield; that to the warehouses in Richmond and Manchester, one person shall be appointed by the court of each of the counties of Henrico and Chesterfield; and to the warehouses in Fredericksburg and Falmouth, one person shall be appointed by the court of each of the counties of Spotsylvania and Stafford; and that the persons so appointed shall proceed jointly in performing the duties required by this act.

Proviso.

Allowance of commissi-
oners.

2. Each commissioner appointed as aforesaid, shall be allowed two dollars per day for every day he shall be employed in performing the duties required by this act, which services shall be ascertained by the court which appointed him, and by them certified to the auditor of public accounts, who shall issue a warrant on the treasury for the same; the auditor shall in like manner issue warrants for expenses incurred by such commissioners or others acting under their directions in executing the services herein required, after due proof that the same have been performed.

Commissioner failing to discharge his duty, liable to fine or removal from office.

3. And if any commissioner appointed by virtue of this act, shall fail to perform the duties thereby required, he shall, on motion to the court which appointed him, be displaced or fined by such court, to the use of the commonwealth, in such sum as they shall think proper, recoverable in the same manner as fines against sheriffs failing to pay money received on executions.

Penalty on inspectors passing tobacco in casks over a certain size.

4. If any inspector shall after the first day of October next, pass any tobacco packed in hogsheads which exceed fifty-four inches in the length of the stave, or thirty-four inches at the head within the

crow, making reasonable allowance for prizing, which allowance shall not exceed two inches above the gauge in the prizing head, he shall for every such offence, be fined five dollars, to be recovered and appropriated as other fines against inspectors under the before recited act.

5. Every inspector who shall reissue or pass away any tobacco note after the delivery of the tobacco for which the same was granted, shall suffer as a felon without the benefit of clergy. Inspector reissuing a tobacco note, shall suffer as a felon.

6. *And be it enacted*, That an additional allowance of twenty-five *per centum* be made to each and every inspector of tobacco throughout this commonwealth on the salaries heretofore allowed them by law, provided that the duties arising from the shipping of tobacco from the respective warehouses shall be adequate to discharge the said salaries. Salaries of inspectors increased.

7. In lieu of the allowance now made by law to pickers of tobacco, they shall be and are hereby allowed to demand and receive for every hogshead of tobacco by them opened, thirty-three cents and one third of a cent; and every inspector shall be authorized to demand and receive in lieu of the allowance now made by law, seventeen cents for finding nails; which sums shall be paid and received in the same manner as the allowance already made for the same services. Pickers, their allowance and the allowance to inspectors for nails.

8. If any person shall presume to manufacture tobacco without giving bond as required by law, he shall for every such offence forfeit and pay to the use of the commonwealth one hundred dollars, to be recovered before the court of the county or corporation within which such offender may reside, by action of debt or information, wherein the defendant shall be ruled to bail: *Provided*, That nothing herein contained shall be construed to extend to any person manufacturing tobacco of his own make. Every inspector of tobacco is hereby authorized and empowered to inspect any tobacco manufactured in the county wherein the warehouse at which he is appointed shall stand, and if in his opinion such tobacco be good, clean and merchantable, he shall pass the same, stamp and mark the cask wherein it is packed or prized, and grant a certificate that the same hath been inspected according to law. He shall inspect no tobacco for which the manufacturer thereof shall not produce a manifest, but is hereby authorized and directed to seize such tobacco wherever it may be found, dispose thereof and pay the money arising therefrom into the public treasury. Penalty on manufacturers of tobacco without giving bond. How recoverable. Proviso. Inspector may inspect manufactured tobacco. Manufacturers to produce a manifest.

9. And whereas it is suggested that under the fifty-first section of the said recited act, the inspection of tobacco established at Deacon's neck is discontinued: *Be it enacted*, That the said inspection shall be and is hereby revived and continued under the same regulations as inspections lawfully established. Revival of the inspection at Deacon's neck.

10. So much of all acts or parts of acts as contravenes the operation of this act, shall be, and the same are hereby repealed: *Provided always*, That nothing in this act shall be construed to affect any rights, remedies, fines, forfeitures, penalties or amercements, which have accrued, been vested or incurred prior to the commencement of this act. Repealing clause. Proviso.

11. *And provided also*, That the courts of the counties wherein any inspection of tobacco may be established, shall proceed to appoint the commissioners in this act mentioned, at the court holden Additional proviso.

for their respective counties in the months of January or February next.

Commencement. 12. This act shall be in force from the first day of January next.

CHAP. 13.—An ACT concerning corporations.

(Passed December 22, 1796.)

Licenses to sell by
vendue in corpo-
rate towns, how
obtainable.

Proviso.

Further proviso.

The powers of
magistrates of cor-
porations en-
larged.

1. *Be it enacted by the general assembly*, That from and after the passing of this act, the mayor, aldermen, and commonalty of the several corporate towns within this commonwealth and their successors, shall upon request of any person or persons desirous thereof, grant licenses to exercise in such town the trade or business of an auctioneer: *Provided*, That no such license shall be granted until the person or persons requesting the same, shall enter into bond with one or more sufficient sureties, payable to the mayor, aldermen, and commonalty of such corporate town and their successors, in such penalty and with such condition as by the by-laws and ordinances of such corporate town shall be required: *And provided also*, That any license which may have been heretofore granted by the supervisor of this district, shall remain in full force during the term for which the same was granted. And every person or persons so licensed, shall have the same powers, and be subject to the same regulations, and to the payment of the same sum as the vendue masters or auctioneers, appointed, or to be appointed by the mayor, aldermen, and commonalty of the several corporate towns, are liable and subject to.

2. *And be it further enacted*, That the magistrates of any corporate town shall have the same power to examine privily, and take the acknowledgment of a *feme covert* to a conveyance and to certify the same, as is by law given to justices of peace of a county; and the court of hustings for each corporation within this commonwealth shall have the same power to admit to record, authenticated copies of wills, proved according to the laws of any of the United States or of countries without the limits of the same, as is given by law to the county courts.

CHAP. 14.—An ACT concerning certain lands lying in the Northern Neck.

(Passed December 10, 1796.)

Lands located in
the Northern
Neck claimed by
D. Fairfax.

Right of the com-
monwealth as-
serted.

Resolution of the
general assembly
containing the
terms of accommoda-
tion.

Whereas sundry appropriations of lands supposed to lie within the Northern Neck, have been made in virtue of land warrants issued under the authority of the commonwealth of Virginia, which lands are claimed under Denny Fairfax, who was devisee of Thomas lord Fairfax, late proprietor of the said Northern Neck: *And whereas* the commonwealth has asserted a right to the said estate so devised to the said Denny Fairfax, he being an alien, which several claims remain undecided and are now pending in the court of appeals of this commonwealth and in the supreme court of the United States, and a proposition made by a resolution of the general assembly, in consequence of a petition from the counties of Hampshire, Hardy and Shenandoah, for an accommodation of the said pending controversies, in the words following: "*Resolved*, That in case the devisees of lord Fairfax, or those claiming under them, will relinquish all claim to lands supposed to lie within the Northern Neck, which were waste and unappropriated at the time of the death of lord Fairfax, that it would be advisable for this commonwealth to relinquish all claim to any lands specifically appropriated

by the said lord Fairfax to his own use either by deed or actual survey," having been accepted by a letter in the words and figures following:—"Richmond, November the 24th, 1796, Sir, being one of the purchasers of the lands of Mr. Fairfax, and authorized to act for them all, I have considered the resolution of the general assembly on the petition of sundry inhabitants of the counties of Hampshire, Hardy and Shenandoah, and have determined to accede to the proposition it contains. So soon as the conveyance shall be transmitted to me from Mr. Fairfax, deeds extinguishing his title to the waste and unappropriated lands in the Northern Neck shall be executed, provided an act passes during this session, confirming, on the execution of such deeds, the title of those claiming under Mr. Fairfax, to lands specifically appropriated and reserved by the late Thomas lord Fairfax, or his ancestors for his or their use. I remain sir, with much respect and esteem, your obedient servant, John Marshall. The honorable the speaker of the house of delegates." For carrying the said agreement and accommodation into effect:

Letter from John Marshall, one of the purchasers of the lands of Mr. Fairfax, and authorized to act for them all.

1. *Be it enacted*, That upon the execution of a deed by Denny Fairfax, or those having title under him or the said Thomas lord Fairfax, extinguishing on behalf of this commonwealth, his or their title to all lands lying within the Northern Neck, which, by the terms of the above recited proposal and agreement, he or they are bound to relinquish, all claim, right and title of the commonwealth of Virginia in or to any lands lying in the said Northern Neck, which is by the terms of the said proposal and agreement to be relinquished, shall from thenceforth be extinguished, null and void; and the said Denny Fairfax, or those claiming under him, and his or their heirs, shall hold the same, as if he the said Denny had been a native citizen of this commonwealth, and as if no escheat or forfeiture thereof had ever taken place; any law to the contrary notwithstanding.

Deeds to be first executed by Mr. Fairfax; means of completing the contract, &c.

Saving to every person, other than this commonwealth, and Denny Fairfax, and those claiming under him, any right or title, in law or equity, which he or they may have to the lands in the said Northern Neck of Virginia, or any part thereof.

Rights of individuals saved.

CHAP. 15.—An ACT for cutting a canal from the waters of Elizabeth river to the waters of North river.

(Passed December 12, 1796.)

Whereas the cutting a navigable canal from the head waters of Elizabeth river, at the Great bridge, in the county of Norfolk, to the head waters of the North river, at the north landing, in the county of Princess Anne, will be of great public utility, and many persons are willing to subscribe to effect so beneficial a work, and it is just and proper that they, their heirs and assigns should be empowered to receive reasonable toll forever, in satisfaction for the money advanced by them in carrying the work into execution, and the risk they run:

1. *Therefore be it enacted by the general assembly*, That it shall and may be lawful to open books in the towns of Norfolk, Portsmouth, Kempville and at the Great bridge, under the management of Robert Brough and Edward Archer in Norfolk; Willis Wilson and Richard Blow, in Portsmouth; William White, Caleb Boush, James Letray, and Thomas Wishart, junior, in Kempville; John

Subscriptions to be taken under the direction of the persons and to the amount herein mentioned.

Cornwall, David Sylvester and Wilson Butt, at the Great bridge, to the amount of thirty-six thousand dollars for the said undertaking, which subscriptions shall be made personally, or by power of attorney, and shall be paid in gold or silver coin current in this commonwealth.

Time of receiving subscriptions; meeting of subscribers, &c.

2. That the said books shall be opened for receiving subscriptions on the first day of March next, and continue open until the first day of September next, inclusive, and on the twentieth day of the said month of September, there shall be a general meeting of the subscribers at Kempville, of which meeting notice shall be given by the said managers, or any three of them, in the newspapers published in Norfolk, at least three weeks next before the meeting, and such meeting shall and may be continued until the business is finished; and the managers shall at the time and place aforesaid, lay before such of the subscribers as shall meet, according to the said notice, the books by them respectively kept, containing the state of the subscriptions, and if one half of the capital sum aforesaid should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency, and a just and true list of all the subscribers with the sums subscribed by each, shall be made out and returned by the said managers, or any two of them, under their hands, into the courts of Norfolk and Princess Anne counties, to be there recorded; and the said capital sum shall be divided into three hundred shares of one hundred and twenty dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise: *Provided*, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void.

Managers to exhibit statement of subscriptions.

Capital divided into shares.

Proviso.

Subscribers incorporated.

3. *And be it enacted*, That in case one half of the capital, or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of the said first meeting, shall be and are hereby declared to be incorporated into a company, by the name of "The North River Canal Company," and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors for conducting the said undertaking and managing all the said company's business and concerns for and during the term of three years, as the said subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share not exceeding ten shares, and one vote for every five shares above ten by him or her held at the time in the said company, and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Shall elect a president and directors.

Method of voting.

President and directors, their powers and duty.

4. The said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons on behalf of the said company to cut the said canal, and to erect such locks and works as they shall think necessary for the navigation of the said canal, and in such manner and of such width and depth as they shall think fit, out of the money arising from the subscriptions and tolls given to pay for the same, and to repair and keep in order the said

canal, locks and other works, and also to appoint a treasurer, clerk, mill-gatherers, and other officers and servants as they shall judge requisite, and to agree for and settle their respective wages, and settle, pass and sign their accounts, and also to establish rules of proceeding, and transact all the business and concerns of the said company, in and during the intervals between the general meetings of the same; and the said president and directors shall be allowed such compensation at such general meeting as a majority of the subscribers shall deem sufficient for their trouble, in transacting the business of the company.

Compensation to the president, &c.

5. The treasurer shall give bond in such penalty and with such security as the president and directors, or a majority of them, shall direct, for the faithful discharge of his office, and he shall receive five *per centum* on all sums for the disbursements by him made, and no officer shall have a vote in the settlement or passing his own accounts.

Treasurer to give bond for discharge of trust.

6. The president and directors, and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanted, to make and sign orders for that purpose, and direct in what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least three weeks in the Norfolk newspapers, and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for defraying the expenses of cutting the said canal, building locks, and all other necessary expenditures, until the sums subscribed shall be fully paid.

Payment of subscriptions when and how to be made.

7. If any of the proprietors shall neglect or refuse to pay their respective proportions within one month after the same shall be so ordered and advertised as aforesaid, the president and directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietor so neglecting or refusing payment, giving at least one month's notice in the aforesaid newspapers, and after retaining the sum due, and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid with incidental charges, the president and directors, or a majority of them, may, in name of the company, recover by motion the balance in any court of record within this commonwealth, on giving the party, his heirs, executors or administrators, ten days previous notice thereof, and the said purchaser or purchasers shall be subject to the same rules and regulations as if the sale and conveyance had been by the original proprietor.

Penalty for non-payment of subscriptions.

8. For continuing the succession of the president and directors, and to keep up the same number, *Be it enacted*, That from time to time, upon expiration of the said term for which the president and directors were appointed, the proprietors of the said company at the next general meeting shall either appoint the said president and directors, or any of them, or choose others in their stead, and in case of the death, removal, or resignation, or incapacity of the president, or any of the directors, shall and may in manner aforesaid, elect any other person or persons to be president and directors, in the room of him or them so dying, removing or resigning, and may at any time of their general meetings remove the president or

President and directors elected triennially, re-eligible, &c.

Vacancies how supplied.

any of the directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

President and directors to be qualified.

9. Every president and director before he acts as such, shall take an oath or affirmation for the due execution of his office.

Number of shares necessary at general meetings.

10. The presence of proprietors holding one hundred and fifty-one shares at least, shall be necessary to constitute a general meeting; but if a sufficient number shall not attend on the first day, those present may adjourn from day to day, until a general meeting of proprietors shall be had, who may continue sitting from day to day until the business of the company is finished, to which meeting the president and directors shall make a report, and render distinct and just accounts of their proceedings, and on finding them fairly and justly stated, they shall be entered on the books of the company as a full discharge to the said president and directors.

Penalty for neglect to pay toll.

11. In case of refusal or neglect to pay the toll at the time, or previous to the vessel's going through the said canal, the collectors of the said tolls may lawfully detain such vessel until such toll be paid.

Lands through which the canal may pass, how appropriated, paid for, &c.

12. Whereas it may be necessary in cutting the said canal to pass through the lands of many persons: *Be it therefore enacted*, That it shall and may be lawful for the president and directors, or a majority of them, to agree with the owners of any lands through which the canal may pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, *non compos*, under age or out of the state, the like proceedings shall be had to estimate the value thereof by a jury as are directed and prescribed by the act for cutting the Dismal swamp canal, and such valuation shall be paid by the said president and directors to the owner of the said land or his legal representative, and on payment thereof the said land shall be thenceforth vested in the said president and directors and their successors in fee, for the purposes of this act.

Tolls same as those of Dismal swamp canal.

13. *And be it enacted*, That for and in consideration of the expense the subscribers will be at in cutting the canal, erecting locks, making roads, and extending the navigation of the said rivers, and keeping the said canal and roads in repair, it shall and may be lawful for them to demand and receive for toll at such place or places upon the said canal as they may think most convenient, one third of the rates of all and every article and articles transported through or along the said canal, which are allowed to the Dismal swamp canal.

Tolls and shares how disposed of and transferred.

14. The profits arising from the said tolls shall be, and are hereby vested in the president and directors of the said company and their successors forever, to keep in repair the said canal, and the overplus, if any, to and for the use of the holders of shares in the said company, and be forever exempted from any tax whatever; and it shall be lawful for any subscriber to transfer his or her share in the same manner, as the subscribers to the Dismal swamp canal transfer their shares.

Commencement.

15. This act shall commence and be in force from and after the passing thereof.

CHAP. 16.—An ACT to amend the act, intituled, "An act against usury."

(Passed November 23, 1796.)

1. *Be it enacted*, That no person upon any contract entered into upon or after the first day of May next, shall take directly or indirectly, for loan of any money, wares or merchandize above the value of six dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or lesser sum or for a longer or shorter time; and all bonds, contracts, covenants, conveyances, or assurances thereafter to be made for payment or delivery of any money or goods so to be lent, on which a higher interest is reserved or taken than is hereby allowed, shall be utterly void. Bonds, &c. for a greater rate of interest on money lent than herein allowed, void.
2. If any person shall by any way, or means of any corrupt bargain, loan, exchange, shift, covin, device or deceit, take, accept or receive for the loan, or giving day of payment for money, wares, merchandize, or other commodity above the rate of six dollars for one hundred dollars for one year, every person so offending, shall forfeit double the value of the money, wares, merchandize, or commodity so lent, exchanged or shifted, one moiety to the use of commonwealth, and the other to the informer, to be recovered with costs. Penalty for taking above the rate of six per cent.
3. Any borrower of money or goods, may exhibit a bill in chancery against the lender, and compel him to discover upon oath, the money or thing really lent, and all bargains, contracts or shifts which shall have passed between them relative to such loan or the repayment thereof, and the interest and consideration for the same, and if thereupon it shall appear that more than lawful interest was reserved, the lender shall be obliged to accept his principal money without any interest or consideration, and pay costs, but shall be discharged of all other penalties of this act. Borrower may be relieved against the lender, by filing a bill in chancery.
4. So much of the said recited act as comes within the purview of this act, shall be and the same is hereby repealed. Repealing clause.
5. This act shall commence and be in force upon the first day of May next. Commencement.

CHAP. 17.—An ACT concerning the special court of appeals.

(Passed November 18, 1796.)

Whereas by the act, intituled, "*An act for reducing into one act the several acts concerning the court of appeals, and special court of appeals*," it is, among other things provided and enacted, that whensoever a majority, or all the judges of the court of appeals, shall be interested in any case in the said recited act, mentioned, the same shall be entered of record in the said court, and the clerk thereof shall, thereupon, issue a summons to the judge of the high court of chancery, and judges of the general court, requiring them, if not disqualified to sit in such case, to attend at the capitol in the city of Richmond, or in case of adjournment of the court of appeals to any other place, at such other place on the twentieth day of June or November, then next following, to constitute a special court of appeals, for the purpose of hearing and finally deciding such suit; but no provision is made for those cases, wherein it may happen, that the day, so to be appointed, shall happen to fall out upon a Sunday, which may be attended with great inconvenience:

1. *Be it therefore enacted by the general assembly*, That whenever a summons hath been, or shall be issued, pursuant to the said recited act for assembling a special court of appeals, if the day to Special court of appeals summoned to meet on a day which falls out on

a Sunday, shall be holden on the next day.

which summons is, or shall be made returnable, shall happen to fall out of a Sunday, such court shall be holden on the next succeeding day, in like manner as if the same had been the day named in the summons, and shall then proceed to hear, determine, and finally decide all suits, process, matters and things, submitted to their cognizance and jurisdiction, as if the same had been the twentieth day of the month, to which such summons is, or shall be made returnable.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 18.—An ACT to amend the act for the relief of persons who have been, or may be injured, by the destruction of the records of county courts.

(Passed December 20, 1796.)

Depositions taken in certain cases herein mentioned, to be lodged with the clerk of county.

1. *Be it enacted by the general assembly*, That all depositions which now are, or hereafter may be taken by virtue of an act, intituled, "*An act for the relief of persons who have been, or may be injured, by the destruction of the records of county courts,*" shall be lodged with the clerk of the county in which such accident may have happened, or shall hereafter happen, there to remain as evidence in all cases for establishing the right of the person or persons injured, when better evidence cannot be obtained.

Same relief given in the loss of district court records, &c. as in counties.

2. *And be it further enacted*, That where any person or persons shall have suffered, or may suffer by the destruction of records, or other papers, in district or corporation courts, the same relief shall extend to such person or persons as is given by this, and the above recited act, to sufferers by the destruction of records or other papers in counties.

Repealing clause.

3. So much of the above recited act, as comes within the purview of this act, shall be, and the same is hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 19.—An ACT to amend the act ascertaining the salaries of the officers of civil government.

(Passed December 20, 1796.)

Salaries of certain officers of civil government, clerks, &c.

1. *Be it enacted by the general assembly*, That the several officers herein after mentioned, shall receive for their salaries, in quarterly payments, after the same shall have been audited according to law; the governor of the commonwealth, the sum of three thousand three hundred and thirty-three dollars and thirty-four cents, *per annum*; the judges of the court of appeals, and the judges of the general court, each, the sum of fifteen hundred dollars, *per annum*; the auditor of public accounts, the sum of twelve hundred and fifty dollars, *per annum*; the register of the land office, twelve hundred and fifty dollars, *per annum*; the treasurer, the sum of two thousand dollars, *per annum*; the first clerk of the treasurer, register and auditor, the sum of six hundred and twenty-five dollars *per annum* each; and each of the other clerks of the treasurer, and auditor, the sum of four hundred and sixteen dollars and sixty-seven cents, *per annum*; the clerk of the council six hundred and twenty-five dollars, *per annum*; and the assistant clerk of the council, four hundred and sixteen dollars and sixty-seven cents, *per annum*. All which several sums shall be paid in specie, and the

auditor is hereby authorized to audit the same, and issue his warrants upon the treasury accordingly.

2. *And be it further enacted*, That the act, intituled, "*An act* Act herein mentioned repealed. *allowing travelling expenses to the judges of the general court*," shall be, and is hereby repealed.

3. All and every act or acts, clauses and parts of acts, coming Repealing clause. within the purview of this act, shall be, and the same are hereby repealed.

4. This act shall commence and be in force from and after the Commencement. first day of January next.

CHAP. 20.—An ACT concerning the keepers of public jails.

[Passed December 20, 1796.]

The allowance at present made by law to the keepers of district Preamble. and county jails, for keeping and dieting persons committed to their custody, being, during the present price of provisions, unreasonably low :

1. *Be it enacted*, That the several district courts shall be, and they are hereby empowered at each session, to order and direct such allowance to be made for the prisoners confined in the gaol of such district, with whose support the commonwealth is by law chargeable, and to the keeper of such gaol for his trouble, as to such court shall seem reasonable, provided the allowance so made, shall not exceed thirty-four cents *per* day, for each prisoner. The allowance made, shall be certified to the auditor after each session of the court, who shall debit the same, and issue a warrant on the treasurer therefor. District courts to regulate the allowance for dieting prisoners, &c.

2. The keepers of county and corporation gaols, shall be allowed for keeping and dieting each prisoner in their custody, with whose support the commonwealth is by law chargeable, so much as the courts of their respective counties and corporations shall judge reasonable, provided the allowance so made, shall not exceed that made by the court for the district, in which the county or corporation lies. The allowance shall be made after each session of the court for the district, and shall be certified to the auditor, who shall in like manner debit the same, and issue his warrant on the treasurer, for the payment thereof. Courts of counties, &c. to make allowance to gaolers for keeping prisoners, &c.

3. Wherever a creditor shall be liable to the gaoler for prison fees, on account of his debtor, it shall be lawful for such gaoler to charge the same fees, as may under this act be charged against the commonwealth. Gaoler's fees for keeping debtors.

4. And whereas, it is represented that in some instances, the court sitting next after the performance of the service, has failed to certify the allowance to which the keeper of the gaol for the district, was by law entitled, and a subsequent court has doubted its authority to make the allowance and grant the certificate: *Be it enacted*, That in any such case, a subsequent court shall and may proceed in like manner as the court next immediately succeeding the rendition of the service, might by law have proceeded. Power of courts to make allowances for services in certain cases.

CHAP. 21.—An ACT to establish several towns.

(Passed December 14, 1796.)

1. *Be it enacted by the general assembly*, That fifty acres of land, the property of the county of Grayson, contiguous to the courthouse in the said county, shall be, and they are hereby vested in Town of Jonesborough in Grayson, and trustees thereof.

Nathaniel Frisby, Matthew Dicky, Abner Jones, Flower Swift and Minitree Jones, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town, by the name of Jonesborough.

Town of Mechanic in Orange, and trustees thereof.

2. That one hundred acres of land, late the property of Matthew Hamilton, in the county of Orange, as the same are already laid off into lots and streets, shall be, and the same are hereby established a town, by the name of Mechanic; and William Campbell, Belfield Cave, Richard White, Robert Osby, John Douglass, Martin Johnson and Richard Payne, gentlemen, constituted trustees thereof.

Town of Ca Ira in Cumberland, and trustees thereof.

3. That thirty acres of land, the property of James, Thomas and Francis Deane, lying on Willis's river, in the county of Cumberland, shall be, and they are hereby vested in Anderson Cocke, John Hatcher, Samuel Allen, Miller Woodson, Willis Wilson, Samuel Anderson, Carter Page, Benjamin Allen and Alexander Trent, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Ca Ira.

Town of Salem in Fauquier, and trustees thereof.

4. That thirty acres of land, the property of John Monroe, in the county of Fauquier, shall be, and they are hereby vested in John Monroe, William Brown, John Robinson, Joseph Smith, Minor Winn, William S. Picket, Alexander Scott, John Dearing and Daniel Flowere, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Salem.

Town of Washington in Culpeper, and trustees thereof.

5. That twenty-five acres of land, the property of John Calvert, James Jett, junior, and James Wheeler, in the county of Culpeper, shall be, and they are hereby vested in John Strother, James Green, Edward Pendleton, Charles Browning and John Jett, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Washington.

Ligontown on Appamattox river, and trustees thereof.

6. That twenty-five acres of land, the property of William Ligon, lying on Appamattox river, near the mouth of Angola creek, shall be, and they are hereby vested in Thomas Elmore, William Wood, junior, Efford Bentley, Benjamin Chapman, Thomas Ligon, Ambrose Jeter and James Gills, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Ligontown.

Town of Clementstown on Appamattox, and its trustees.

7. That twenty-five acres of land, lying on Appamattox river, in the county of Amelia, the property of Isham Clements, shall be, and they are hereby vested in John Wiley, Edward Mumford, William Powell, Francis Anderson, John Nunnally, Samuel Ford and William Meriwether, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Clementstown.

Town of Dickensonville in Russell, and trustees thereof.

8. That the lots and streets, as the same are already laid off by the proprietor, adjoining the courthouse in the county of Russell, shall be, and they are hereby vested in John Estill, Anger Price, William Owens, John Tate, senior, Nathan Ellington, Charles Beckley and James Osborne, senior, gentlemen, trustees, and established a town by the name of Dickensonville.

Jamestown on Appamattox river, and trustees thereof.

9. That twenty-five acres of land, the property of John Townes, lying on Appamattox river, at the Buffalo falls, in the county of Prince Edward, shall be, and they are hereby vested in Abner Wat-

kins, Robert Goode, George Eggleston, Josiah Perkinson, Christopher Walthall, William Warsham, Richard Pincham, Thomas Gibson and John L. Crute, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Jamestown.

10. That the lots and streets, as the same are already laid off by George Stover, in the county of Botetourt, shall be established a town by the name of Amsterdam; and Joel Bott, Michael Cloyd, George Stover, Christian Hasbarger and Andrew Burndrager, gentlemen, constituted trustees thereof. Amsterdam in Botetourt, and its trustees.

11. That thirty acres of land, the property of John Evans, junior, and Benjamin Reeder, lying on Monongalia river, in the county of Monongalia, shall be, and they are hereby vested in Josiah Prickett, James Dunn, John Holt, Colder Haymond, Stephen Morgan, Zacquil Morgan and William Holt, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Pleasantville. Pleasantville in Monongalia, and trustees thereof.

12. That twenty-five acres of land, the property of Allen Bernard, on the Rivanna river, in the county of Fluvanna, shall be, and they are hereby vested in Joseph Haden, Robert Quarles, James Payne, John Wells, Henry Martin, Joseph Bernard, James Crewdson and Peter H. Ware, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Bernardsburg. Bernardsburg in Fluvanna, and trustees thereof.

13. So soon as the said lands, where the same hath not already been done, shall respectively be laid off into lots, the trustees thereof, and also of the said towns of Mechanic, Dickensonville and Amsterdam, shall proceed to sell the same, at public auction, for the best price that can be had; the time and place of such sales being respectively advertised for two months successively, previous thereto, in some one of the newspapers within this commonwealth, and to convey the said lots to the purchasers in fee, subject to the condition of building on each, a dwelling house, sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation, within seven years from the day of sale, and pay the money arising from such sales, to the proprietors of the said lands, respectively, or their legal representatives. Lands to be laid off in lots, and sold by the trustees thereof.

14. The trustees of the said towns, respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best; and to settle and determine all disputes concerning the bounds of the said lots. Power of the trustees appointed by this act.

15. If the purchaser of any lot, in either of the said towns, shall fail to build thereon, within the time limited in his deed of conveyance, the trustees of the said town, where the lot has been sold by them, and where such failure happens, may, thereupon, enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town. Purchasers of lots failing to build thereon, trustees may resell the same.

16. And be it further enacted, That the lots and streets, as already laid off and sold by Abraham Savage, in the county of Shenandoah, shall be established a town by the name of New Market; and William Byrd, Michael Shugart, John Oneil, Andrew Byrd, Isaac Gore, John Brock and Jacob Steigle, gentlemen, are hereby constituted trustees thereof; who, or a majority of them, shall have power to settle and determine all disputes concerning the Town of New Market in Shenandoah, trustees thereof.

bounds of the lots in the said town, and to make such rules and orders for the regular building of houses therein, as to them, or a majority of them, shall seem proper.

Vacancies in trustees, how supplied.

17. Vacancies by death, or otherwise, of any one or more of the trustees of the said towns, respectively, shall be supplied in manner prescribed by an act of assembly, passed in the year one thousand seven hundred and seventy-eight, intituled, "*An act to empower the freholders of the several towns, not incorporated, to supply the vacancies of the trustees and directors thereof.*"

CHAP. 22.—An ACT to establish several inspections of tobacco.

(Passed December 8, 1796.)

Inspections of tobacco established at the places herein mentioned.

1. *Be it enacted by the general assembly*, That inspections of Tobacco shall be, and are hereby established on the lands of John Towns, at the Buffaloe falls in the county of Prince Edward, to be called and known by the name of Towns's warehouse; on the land of Isham Clements, on Appamattox river in the county of Amelia, to be called and known by the name of Clements's warehouse; on the land of Ralph Wormley, in the county of Middlesex, to be called and known by the name of Rosegill warehouse; on the lands of James, Thomas and Francis Deane, on Willis's river in the county of Cumberland, to be called and known by the name of Deane's warehouse; and on the lands of William Campden, at the place called Migginson's warehouse in the county of Amherst, to be called and known by the name of Campden's warehouse; the proprietors whereof shall build the same at their own expense.

Salaries of the inspectors.

2. There shall be allowed and paid annually, to each of the inspectors at Towns's warehouse, the sum of one hundred dollars; to each of the inspectors at Clements's warehouse, the sum of one hundred and ten dollars; to each of the inspectors at Rosegill warehouse, the sum of sixty dollars; to each of the inspectors at Deane's warehouse, the sum of one hundred and fifty dollars; and to each of the inspectors at Campden's warehouse, the sum of one hundred and thirty-three dollars, thirty-three cents, for their salary.

Proviso.

Provided always, That if the quantity of tobacco inspected at the said warehouses, shall not be sufficient to pay the usual charges, and the inspectors' salaries, the deficiency shall not be paid by the public.

CHAP. 23.—An ACT to alter the mode of appointing and commissioning inspectors of tobacco, in certain cases.

(Passed November 22, 1796.)

Preamble.

Whereas by the existing law concerning the inspection of tobacco, it is enacted, that the courts of the several counties within the state, wherein any of the public warehouses are established, shall once in every year and no oftener, at their respective courts holden in the months of August or September, nominate and recommend to the governor for the time being, for so many offices of inspection as are or shall be in their respective counties, four fit and able persons reputed to be skilful in tobacco, for the execution of the office of inspectors, which nomination the said courts shall cause to be entered upon record, and the clerks of the said courts, are thereby required forthwith, to transmit a certificate of the same to the clerk of the council; and that out of the said four persons nominated and recommended for each inspection, the governor,

with the advice and consent of council, shall choose and appoint two to execute the office of inspectors at such inspection; and in case of the death, resignation or removal of any inspector, the governor shall appoint any person named in the last recommendation from the county court, for that inspection where the vacancy shall happen, to succeed him until the next nomination and appointment of inspectors:

And whereas, under the operation of the said law, the executive of this state have had occasion to remove from office inspectors of tobacco; and the additional persons nominated by the county courts, for the execution of the office of inspectors at the warehouse in which the removal took place, are supposed in one instance, unable to give bond for the due performance of their office, and in another, have been absent from this commonwealth at the time when the said removal took place; and the executive in that instance, have found themselves unable to appoint under the said law, any other than the individuals before recommended, and the courts of the counties are in like manner unable, before the months of August or September succeeding the removal of the said inspectors, to recommend other persons to the executive as inspectors; whereby the warehouse in question may for a considerable time be shut up for want of inspectors to the same, to the great detriment of the public and of individuals; for remedy whereof,

1. *Be it enacted*, That in any case where the executive shall have heretofore removed, or shall hereafter remove any inspectors of tobacco from office, and the additional persons nominated to them by the court of the county, or either of them, shall be unable to give security for the execution of their office, or shall, from information given to the executive, be conceived by them unfit to discharge the functions of the said office, or shall be absent from this commonwealth, the executive shall have full power and authority, to appoint any other two persons in the county where such warehouses are, to act as inspectors of the same, until the next nomination and appointment of inspectors by the court of the county; any thing in the said law to the contrary, notwithstanding.

Power and authority of the executive to appoint inspectors in certain cases.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 24.—An ACT to amend an act, intituled, "An act to amend the act, for reducing into one, the several acts concerning the land office, ascertaining the terms and manner of granting waste and unappropriated lands, for settling the title and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors."

(Passed November 18, 1796.)

1. *Be it enacted by the general assembly*, That so much of the second section of an act, intituled, "*An act to amend the act, for reducing into one, the several acts concerning the land office, ascertaining the terms and manner of granting waste and unappropriated lands, settling the titles and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors,*" as relates to surveys or locations of land, shall be construed to extend only to such surveys or locations, as have been, or shall be made, after the last day of December, one thousand seven hundred and ninety-five. And the register is hereby directed to proceed on all surveys, made prior to the first day of January, one thousand seven hundred

Act herein mentioned, how construed.

Further time allowed to appoint processioners.

and ninety-six, agreeably to the laws in force at the time of such surveys made.

2. *Be it further enacted*, That where it has happened that any court within this commonwealth, hath neglected to appoint processioners at the courts heretofore appointed by law, that they have the further time of six months from the passage of this law, to make such appointments; and that they be authorized to appoint processioners at any court, within the said period of six months.

Repealing clause.

3. *Be it further enacted*, That the third section of the law aforesaid be, and the same is hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 25.—An ACT for lengthening the terms of session of certain district courts.

(Passed December 21, 1796.)

Preamble.

Whereas the time allowed for the sitting of the district courts, holden in the towns of Fredericksburg, Dumfries and Winchester, is not sufficient for the transacting of the business in said courts:

Terms of certain district courts herein mentioned may be extended, when holden, &c.

1. *Be it enacted*, That the said courts respectively shall sit, if business require it, fifteen days, Sundays exclusive, unless such sitting shall interfere with some other district court, in the same circuit; and to enable the judges to comply with this law, *Be it further enacted*, That the district court holden at Dumfries, shall be held on the eighteenth day of May and October in every year; that the district court holden at Winchester, shall be held on the fifteenth day of April, and on the twenty-ninth day of September in every year; and the district court holden at Morgantown, shall be held on the fifteenth day of May and on the fifteenth day of September in every year.

Provision in case day of meeting be Sunday.
Brunswick and Petersburg district courts when holden, &c.

2. And if any of the said several days be Sunday, the court shall in that case respectively begin on the succeeding day.

3. *And be it enacted*, That the district court holden at Brunswick courthouse, shall be held on the second day of May and the second day of October in every year, instead of the twenty-ninth of April and the twenty-ninth day of September in every year; and if either of the said days be Sunday, the court shall in that case begin on the succeeding day. *And be it further enacted*, That the district court holden at Petersburg, shall sit, if business require it, fifteen days, Sundays exclusive, unless such sitting shall interfere with some other district court in the same circuit.

CHAP. 26.—An ACT to amend the act, intituled, "An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appamattox river."

(Passed November 22, 1796.)

Preamble.

Whereas it is judged expedient to amend the act passed at the last session of the general assembly, intituled, "*An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appamattox river:*"

Power of the trustees.

1. *Be it therefore enacted*, That the trustees therein appointed, and their successors be, and they are hereby empowered, to clear, improve and extend the navigation of the said river from Banister's mills to tide water, or as near thereto as they may deem advisable and necessary, and also as far up the said river as they may judge

it practicable and conducive to the public interest: For these reasons, and to enable the said trustees and their successors thus to extend the navigation of the said river, they are hereby vested with the same powers, and shall be under the same regulations and restrictions, as are given and expressed in the above recited act.

2. *And be it further enacted*, That the treasurer of this commonwealth shall be authorized and directed to subscribe in behalf of the same, to the amount of one hundred shares in the said company, and the money necessary in consequence of such subscription shall be paid in the same manner as the subscriptions of individuals. And the treasurer for the time being shall have a right to vote according to such shares, in person, or by proxy appointed by him, and shall receive and account for the proportion of the tolls accruing under the act aforesaid, which shall from time to time become due to this state for the shares aforesaid.

One hundred shares taken by the commonwealth.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

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CHAP. 27.—An ACT concerning county levies, poor rates, and clerks' fees.

(Passed December 19, 1796.)

1. *Be it enacted by the general assembly*, That the duties required of the justices of the several county courts, by the seventh section of the act "*Concerning titheables, directing the mode of laying and collecting the county levy*," shall be and the same is hereby required to be done and performed, in the months of September or October annually, or as soon after as may be, if no court should be held in either of those months, instead of the months of June or July annually.

Duties required by this act to be done in September or October.

2. *And be it further enacted*, That the sheriff or county collector shall account with, and satisfy the county creditors, on or before the first day of October in every succeeding year, after the levy shall be laid, under the same regulations and penalties as is prescribed by the ninth section of the act aforesaid, any thing in any law to the contrary notwithstanding.

When sheriffs shall account with county creditors.

3. *And be it further enacted*, That the annual meeting of the overseers of the poor in every county, shall be held on the first Monday in September, instead of the first Monday in March in every year; but if the number required by law shall not assemble on that day, it shall be lawful for a sufficient number to meet and perform the business on any subsequent day in the said month; observing in all other respects the regulations required by "*An act providing for the poor, and declaring who shall be deemed vagrants*."

Time of annual meeting of the overseers of the poor.

4. *And be it further enacted*, That every sheriff of every county, and every serjeant of every corporation, shall, on or before the first day of September, instead of the last day of May in every year, account with the clerks of the respective district, high court of chancery, county and corporation courts, and the respective surveyors, for all fees put into his hands to collect, and pay the same, abating six per centum for collecting, pursuant to the "*Act reducing into one the several acts concerning the fees of certain officers, and declaring the mode of discharging the said fees and county levies*."

When sheriffs shall account with clerks of courts.

5. *And be it further enacted*, That the county levies, poor rates, the fees of the respective clerks of the district, high court of chancery, county and corporation courts, and the respective surveyors,

Levies, &c. when distrainable.

fees, shall be distrainable the first day of May in every year, instead of the time prescribed by law.

District courts to make allowance to clerks for public services.

6. *And be it further enacted*, That the judges of the several district courts shall make such allowance from time to time to the respective clerks of the district courts, as they shall think reasonable for future public services, not heretofore provided for by law, which allowances when made and audited shall be paid by the treasurer out of any public money in his hands not otherwise appropriated.

Commencement.

7. This act shall commence and be in force from and after the first day of May next.

CHAP. 28.—An ACT to amend the act, intituled, "An act to amend the act, to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages; and for punishment of the crime of bigamy."

(Passed December 21, 1796.)

Benefit of the act herein recited extended to the counties of Ohio and Brooke.

1. *Be it enacted by the general assembly*, That from and after the passing of this act, the several benefits and provisions contained in an act of the general assembly, passed on the third day of December, in the year one thousand seven hundred and ninety-four, intituled, "*An act to amend the act, to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible or stolen marriages; and for punishment of the crime of bigamy,*" shall in like manner, be extended to the counties of Ohio and Brooke.

Persons to be appointed with authority to solemnize the rites of marriage.

2. The court of each of the said counties, shall appoint two persons, being actual residents of that county in which they shall be appointed, who shall have full power to celebrate the rites of marriage in that county wherein they respectively reside, and have been so appointed; and in case of the death or removal out of the county of any of those persons, it shall be lawful for the court of that county, wherein such person or persons reside, to appoint others in their stead, in like manner and with the like powers as those originally appointed.

And shall qualify as in other cases.

3. All and every person or persons as aforesaid appointed for the said purpose, shall qualify themselves in like manner, shall discharge the like duties, be subject to the like penalty or penalties, for breach thereof, and shall be entitled to the like fees as are directed and prescribed by the said recited act, in like manner as if the same were herein particularly recited and expressed.

Repealing clause.

4. *And be it further enacted*, That so much of the act passed on the twenty-second day of December, one thousand seven hundred and ninety-two, intituled, "*An act to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages; and for punishment of the crime of bigamy,*" as requires the clerks of county courts to certify to any justice of the peace, that bond is given for the obtaining of marriage license, and that the father or guardian hath consented to the issuing such license; and also so much of the said recited act, as requires a justice of the peace to sign such license, is hereby repealed. And it is hereby declared, that a license issued by the clerk of any county court, agreeably to the other requisites of the above recited act, shall be deemed sufficient authority for any duly authorized person to solemnize such intended

Licences to be issued by clerks.

marriage. And in case any clerk shall issue a license in any other manner, he shall be subject to the same penalty, to be recoverable in like manner, as directed under the above recited act.

5. This act shall commence and be in force from and after the first day of May, one thousand seven hundred and ninety-seven. Commencement.

CHAP. 29.—An ACT for altering the day of the court of hustings of the town of Alexandria.

[Passed November 30, 1796.]

1. *Be it enacted by the general assembly*, That from and after the first day of January next, a court of hustings for the town of Alexandria, shall be held by the mayor, recorder and aldermen thereof, on the first Monday in every month, instead of the day heretofore appointed by law. Hustings court of Alexandria when holden.

2. *And be it further enacted*, That the quarterly sessions of the said court, shall be held in the months of April, July, September and December, instead of the months heretofore appointed by law.

CHAP. 30.—An ACT to amend the act, intituled, “An act for opening and improving the navigation of Quantico creek, in the county of Prince William.”

(Passed December 13, 1796.)

1. *Be it enacted by the general assembly*, That Alexander Henderson, Jesse Ewell, John Lawson, James Muschett, Willoughby Tebbs, Timothy Brundige, John Williams, James Smith, Thomas Chapman, senior, Philip Dawe, James Deneal, John Love, James Gardiner, Martin Pickett and Vincent Gray, gentlemen, be, and they are hereby appointed commissioners, for receiving and entering subscriptions to the amount of twenty thousand dollars, in addition to the ten thousand dollars authorized by the act, intituled, “*An act for opening and improving the navigation of Quantico creek, in the county of Prince William*,” to be subscribed for the said undertaking, which subscriptions shall be made personally, or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver, or in gold coin, current within this commonwealth, of the same value. Books shall be opened for receiving additional subscriptions, on the first Monday in February next, and continue open until the fifteenth day of April thereafter: and on the first Monday in June, there shall be a general meeting of the subscribers at the town of Dumfries, of which meeting, notice shall be given by the said commissioners, or any three of them, in the Dumfries newspaper, if there be one, if not, either in the Fredericksburg or Alexandria paper, at least one month next before the said meeting; and such meeting may be continued from day to day until the business is finished. Commissioners for receiving subscriptions.
Books for receiving subscriptions when opened—general meeting of subscribers, &c.

2. The commissioners at the time and place aforesaid, shall lay before such of the subscribers as shall meet, according to the said notice, the books by them respectively kept, containing the state of the subscriptions; and if one half of the said sum of twenty thousand dollars, should, upon examination, appear not to have been subscribed, then the said commissioners, at the said meeting, are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said commissioners, or any three or more of them, under their Commissioners to exhibit state of the subscriptions before such meeting

Proceedings in
case of excess of
subscriptions.

hands, into the county court of Prince William, to be there recorded. And in case more than the said twenty thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said commissioners, or a majority of them, under the like rules, and in the same manner, as is prescribed in the second section of the said recited act, for reducing the subscriptions to the sum of ten thousand dollars, which striking off shall be certified in the list aforesaid; and the whole capital of thirty thousand dollars shall be reckoned and divided into six hundred shares of fifty dollars each; of which additional sum of twenty thousand dollars, every person subscribing may take and subscribe for one or more whole shares, and not otherwise.

Subscribers incor-
porated.

3. The subscribers to the said sum of twenty thousand dollars shall, to all intents and purposes, be held, deemed and taken as incorporated with the said Quantico company.

President and di-
rectors, their pow-
ers and duty.

4. The president and directors of the said company are hereby authorized and empowered to straighten the navigation of the said creek, by a canal from the most convenient place, near the lower boundary of the town of Dumfries, to Patowmac river, and to form a basin at the head of the said canal, at such place as they may determine most convenient; and to contract and agree with the owners of any lands, or sunken grounds, through which such canal shall pass, and basin be formed, for the purchase thereof; and in case of disagreement, or in case the owner should be a *feme covert*, under age, *non compos*, or out of the state, the like proceedings shall be had to estimate the value thereof, by a jury, as directed and prescribed by the act, intituled, "*An act for opening and extending the navigation of Patowmac river*," and such valuation shall be paid by the president and directors of the said company, to the owner or owners of the said lands, or his or their legal representatives; and on payment thereof, the said lands shall thenceforth be vested in the president and directors, on behalf of the said company, in fee simple, for the purposes of this act. The said president and directors are hereby empowered to contract and agree for one or more acres of ground, not exceeding two, at the upper termination of the said canal, and contiguous to the said basin, and in case of disagreement, the same proceedings shall be had, as in the former case.

Authorized to
erect locks.

5. The said president and directors are authorized to erect one or more locks at the head of the said basin, so as to admit navigation out of the same into the natural channel of Quantico creek, and to improve the navigation of the said creek, from the aforesaid basin, of equal depth with the canal (provided the rock at the bottom thereof will allow it) as far as the upper boundary of the said town of Dumfries; and in case a majority of the subscribers to the said company, according to their shares, shall hereafter deem it more expedient to straighten the navigation of the said creek, from the aforesaid basin to the upper boundary of the said town of Dumfries, in that case the president and directors shall be, and they are hereby authorized, to agree with the proprietors of lands or sunken grounds, through which a canal shall be deemed necessary to pass, and in case of disagreement, the like proceedings shall be had as in the former cases; and the said lands upon payment of the valuation money, shall be vested in the said company, in fee simple.

Majority of sub-
scribers may
straighten naviga-
tion.

6. That as soon as five feet water shall, at common tides, be brought into the said canal and basin, it shall be lawful for the said company to demand and receive the following tolls, that is to say : Canal being of a certain depth, company may demand tolls.

	Cents.
For every pipe or hogshead of wine, oil, rum or other spirits,	30
For every hogshead of molasses, cider or beer,	15
For every tierce, barrel, or smaller cask or quantity, in proportion.	
For every hogshead of tobacco,	30
For every hogshead of sugar,	60
For every barrel or box of sugar,	10
For every barrel of flour, pork or beef,	3
For every barrel of ship-stuff, Indian meal, pickled fish, (except herrings,)	2
For every barrel of herrings, tar, pitch, turpentine, limes, oranges or apples,	2
For every bushel wheat, peas, beans or flax seed,	1
For every bushel of salt, coal, Indian corn, or other grain or roots,	$\frac{3}{4}$
For every ton of hemp, flax, bar and other wrought iron,	40
For every ton of pig iron or castings,	30
For every ton of stone or slate,	10
For every hundred bushels of lime, shells or oysters,	20
For every thousand pipe or hogshead staves, or heading,	30
For every thousand barrel staves or heading,	20
For every thousand feet of plank or scantling,	30
For every cord of wood,	15
For every thousand shingles,	15
For every quarter chest of tea,	12
For every cask of nails,	6
For every crate of earthen ware, a bag or hogshead of cotton,	20
For every box of chocolate, soap, candles, lemons, oranges, and every smaller package or parcel of merchandize,	2
For every hogshead of every article of merchandize, not above enumerated,	30
For every tierce of ditto,	15
For every barrel of ditto,	9
For every bale, box, trunk, package, or loose goods, in proportion.	

For every vessel of five tons and upwards, for every time of coming up and going down the canal, per ton, 3

7. If any of the proprietors shall neglect or refuse to pay their respective proportions of the said twenty thousand dollars, within the time, and in manner directed for sums subscribed by the said recited act, the like proceedings shall and may be had against the delinquents, as prescribed in the seventh section of the said act. Penalty for non-payment of subscription.

8. *Be it further enacted*, That the said proprietors, or a majority of them, holding at least four hundred and fifty shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll. Majority of subscribers may lessen tolls.

9. All acts and parts of acts, coming within the purview of this act, are hereby repealed. Repealing clause.

10. This act shall commence and be in force from and after the first day of February next. Commencement.

CHAP. 31.—An ACT concerning the town of Alexandria.

(Passed December 16, 1796.)

Taxes imposed for paving streets may in certain cases be levied on lots by motion in court.

Proviso.

Further proviso.

Court shall give judgment for the amount of such tax.

Proprietors of lots refusing to remove nuisances, mayor, &c. may proceed therein and recover expense of such removal.

Proviso.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the mayor and commonalty of the town of Alexandria, to recover of, and from all and every person or persons, holding land within the limits of the said town, and who have no other property within the said town, on which the taxes or assessments, imposed on such property for paving the streets therein, can be levied, the amount of such taxes or assessments, by motion in the court of the county or corporation, where such person or persons reside: *Provided*, That such person or persons have ten days previous notice of such motion, and the amount of taxes or assessments, due from him, her or them: *And provided also*, That nothing herein contained, shall be so construed as to empower the court to give judgment against any person or persons residing out of the limits of the corporation of Alexandria, and owning ground therein, having no house on it, where the service, to compensate which, the tax or assessment has been or may be imposed, has been or may be performed before the last day of February, one thousand seven hundred and ninety-seven, but for the collection of such tax, the same means may be used which would have been lawful before the passage of this act.

2. The court in which such motion shall be made, if it shall appear that such taxes or assessments are justly due, shall give judgment for the amount thereof, with costs, and award execution as in other cases.

3. And whereas, it is necessary for the preservation of the health of the inhabitants of the town of Alexandria, that nuisances within the limits thereof, should be removed and prevented: *Be it further enacted*, That when the proprietor of any lot or ground within the said town, shall fail or refuse to fill up any pond of water, or remove any other nuisance on his ground, being thereto required by order of the common council, it shall and may be lawful for the mayor and commonalty to cause such nuisance to be removed, and to recover such sum or sums of money as may be expended in the removal thereof, of and from the proprietor or proprietors of the ground, on which such nuisance was, in the same manner as herein before prescribed, for the recovery of taxes or assessments: *Provided always*, That if such proprietor shall not reside within the said town, publication of the order of the common council, for four weeks successively, in the Alexandria gazette, shall be deemed sufficient notice to such proprietor, and thereupon the mayor and commonalty shall be authorized to recover the money in manner aforesaid.

CHAP. 32.—An ACT adding to the town of Alexandria, certain lots contiguous thereto, and for other purposes therein mentioned.

(Passed December 13, 1796.)

Preamble.

Whereas several additions of lots contiguous to the town of Alexandria, have been laid off by the proprietors of the land, in lots of half an acre each, extending to the north to a range of lots, upon the north side of a street called Montgomery; upon the south, to the line of the district of Columbia; upon the west, to a range of lots upon the west side of West street, and upon the east, to the river Patowmac; that many of the lots in those additions have

already been built upon, and many more will soon be improved: And whereas, it has been represented to the general assembly, that the inhabitants residing on said lots, are not subject to the regulations made and established for the orderly government of the town, and for the preservation of the health of the inhabitants, by the prevention and removal of nuisances, upon which their prosperity and well being does very much depend:

1. *Be it therefore enacted*, That each and every lot or part of a lot, within the aforesaid limits, on which, at this time, is built a dwelling house of at least sixteen feet square, or equal thereto in size, with a brick or stone chimney, and that each and every lot within said limits, which shall hereafter be so built upon, shall be incorporated with the said town of Alexandria, and considered as part thereof.

Lots herein described, considered part of the town.

2. And that it shall and may be lawful for the mayor and commonalty of the said town, to compel the proprietor of any lot or lots within the limits aforesaid, and which are not incorporated with the said town, to remove all and every nuisance thereon, which may have a tendency to injure the health of the inhabitants, in the same manner, and by the same mode, as is or shall be prescribed by the regulations of the said town, for the removal of nuisances therein, or on lots incorporated therewith, and to proceed against the proprietor of any such lot, in the same manner as they are, or shall be, empowered to proceed against any proprietor of a lot within the said town, for the recovery of the expense of removing such nuisance, where the proprietor shall fail or refuse to remove it, and it shall be removed at the expense of the town.

Power of the commonalty to abate nuisances, and expense thereof how recovered.

CHAP. 33.—An ACT to alter the time of holding courts in the county of Campbell.

(Passed December 8, 1796.)

Be it enacted by the general assembly, That from and after the first day of May next, a court for the county of Campbell, shall be held by the justices thereof, on the second Monday in every month, instead of the first Thursday; any law to the contrary thereof, notwithstanding.

Monthly courts of the county herein mentioned when holden.

CHAP. 34.—An ACT for altering the court days of the county of Frederick, and of the borough of Winchester.

(Passed November 22, 1796.)

1. *Be it enacted by the general assembly*, That from and after the twentieth day of February, one thousand seven hundred and ninety-seven, the days for commencing and holding courts in the county of Frederick, shall in each month, be on the Monday before the first Tuesday in every month, instead of the first Tuesday.

Frederick county court when holden.

2. *And be it further enacted by the authority aforesaid*, That from and after the aforesaid twentieth day of February, the days for holding courts in the borough of Winchester, shall in each month, be on the Friday before the first Monday, instead of the first Monday.

Borough court of Winchester, when holden.

CHAP. 35.—An ACT for altering the court day and quarter sessions, of the county of Southampton.

(Passed November 17, 1796.)

Monthly and quarterly courts when holden.

Be it enacted by the general assembly, That from and after the first day of March next, a court for the county of Southampton shall be held by the justices thereof, on the third Monday in every month, instead of the second Thursday; and that a court of quarter sessions shall be held in the said county, in the months of June and September, annually, instead of the months of May and August; any law to the contrary notwithstanding.

CHAP. 36.—An ACT to repeal the act, for altering the quarterly courts of the county of Mecklenburg.

(Passed December 7, 1796.)

Act herein mentioned repealed, and quarterly courts when holden.

1. *Be it enacted by the general assembly,* That the act passed at the last session, for altering the quarterly courts in the county of Mecklenburg, shall be, and the same is hereby repealed: And the quarterly courts for the said county, shall be holden as before the passage of the said recited act.

Commencement.

2. This act shall commence and be in force from and after the first day of April next.

CHAP. 37.—An ACT to extend the jurisdiction of the hustings court of Norfolk borough.

(Passed December 21, 1796.)

Jurisdiction of the court herein mentioned, enlarged.

1. *Be it enacted,* That the jurisdiction of the court of hustings of Norfolk borough, shall extend to all vessels lying at any wharf, projecting from the said borough, and also to all vessels made fast to others lying at the wharves, or in the docks or waters within the wharves.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 38.—An ACT for altering the court day and quarterly sessions of the county of Powhatan.

(Passed December 1, 1796.)

Monthly and quarterly courts of Powhatan when holden.

Be it enacted by the general assembly, That from and after the first day of May next, a court for the county of Powhatan, shall be held by the justices thereof, on the third Wednesday in every month, instead of the day heretofore appointed by law. And that a court of quarterly session, shall be held for the said county, in the months of February, April, July and October, in every year; any law to the contrary notwithstanding.

CHAP. 39.—An ACT for altering a quarterly session of the court of hustings, for the city of Williamsburg.

[Passed December 5, 1796.]

A quarterly session to be holden in June.

Be it enacted by the general assembly, That a quarterly session of the court of hustings for the city of Williamsburg, shall hereafter be held by the mayor, recorder and aldermen thereof, in the month of June, in every year, instead of the month of May.

CHAP. 40.—An ACT concerning the tobacco destroyed, by the burning of Dixon's warehouse.

(Passed December 5, 1796.)

Whereas it is represented, that a quantity of tobacco has been destroyed, by the accidental burning of the public warehouse called Dixon's, in the county of Stafford, in the month of March last, the exact quantity whereof, with the names of the proprietors cannot now be ascertained: to the end therefore that a just account thereof may be stated, and the sufferers receive compensation for their losses:

Preamble.

1. *Be it enacted by the general assembly*, That William Alexander, Thomas Fitzhugh, William Fitzhugh, Charles Yates, Andrew Buchanan, John Conyers and Henry Vowles, gentlemen, shall be, and they are hereby constituted and appointed commissioners, for taking, examining and stating the accounts, claims and demands of the proprietors of the tobacco destroyed at the warehouse aforesaid; and in stating the said accounts, the said commissioners, or any three of them, shall be, and they are hereby directed and required, to distinguish the quantity of crop and transfer tobacco separately, and to express therein the value thereof in money, at the time the same was destroyed; which accounts the said commissioners, or any three of them, shall return under their hands and seals to the executive, and the executive is hereby authorized and required, to direct the auditor of public accounts to issue warrants for the amount of their respective claims to the said sufferers, agreeably to the report of the said commissioners, to be paid to them out of the surplus of money arising from the duties on tobacco exported: *Provided*, The tobacco destroyed in the said warehouse, for which compensation may be required by the sufferers, had not been inspected more than twelve months, when it was so destroyed.

Commissioners appointed to state accounts of the claimants' losses, &c.

Executive to direct payment of losses reported by the commissioners.

Proviso.

2. The said commissioners, or any four of them respectively, are hereby empowered and required to meet at such times and places as they shall think fit, (of which time and place public notice shall be given, in one of the gazettes or newspapers published in the town of Fredericksburg, at least four weeks before such meeting,) and to examine any person or persons they shall think necessary for their information, relating to the said accounts, and to administer an oath or affirmation, (as the case may require) to any person, for the better discovering the true quantity of tobacco so destroyed.

Duties and authority of the commissioners.

3. Every commissioner, before he enters upon the execution of this act, shall, before some justice of the peace, take the following oath: "*I, A. B. do swear, that I will according to the best of my skill and knowledge, faithfully, impartially and truly demean myself in taking, examining and stating the accounts, claims and demands of the proprietors of the tobacco destroyed in Dixon's warehouse, according to the directions of this act. So help me God.*"

Form of oath to be taken by the commissioners.

4. The executive shall also direct the auditor to issue to the said commissioners, a warrant for such sum as they report or certify shall have been expended by them in the execution of this act, and which shall appear to the executive to be right and just; payable out of the surplus of money arising from the duties on tobacco exported.

Executive to direct repayment of money expended by commissioners.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 41.—An ACT for erecting Liberty Hall academy into a college.

(Passed December 21, 1796.)

Preamble.

Whereas it has been communicated to this general assembly, that George Washington, president of the United States, has appropriated the shares which were directed to be subscribed, in his name, in the James river canal company, with the tolls and profits which shall accrue therefrom, to the use of Liberty Hall academy, in the county of Rockbridge: And whereas the benevolent design of that most excellent citizen, will be better promoted by enlarging the nature of the said institution:

Liberty Hall academy erected into a college.

Sciences to be taught therein.

President and professors incorporated, may purchase lands, &c.

Proviso.

President and professors to appoint treasurer, tutors, and other officers, adopt system of education, &c.

Persons appointed visitors; who shall appoint and may remove or suspend president and professors.

1. *Be it enacted*, That the academy, now styled Liberty Hall academy, shall be erected into a college, which shall be called and known by the name of the College of Washington, in Virginia.

2. In this college there shall be four schools, viz: one of languages; one of mathematics; one of natural philosophy and astronomy, and one of logic, moral philosophy and belles lettres; in each of which schools there shall be a professor, and as many tutors as shall from time to time be found necessary.

3. One of the professors shall be appointed president; and the said president and professors shall be a body corporate, by the name of "The President and Professors of the College of Washington in Virginia," and by that name shall have perpetual succession and a common seal. By the name aforesaid, they shall be able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors forever, any lands, tenements, rents, goods or chattels, of what kind soever which shall be given to them, or purchased by them for the use of the said college, and the same to sell, grant, demise, alien or dispose of, in such manner as to them may appear most for the advantage of the said college: *Provided*, That the said president and professors shall not be capable of receiving endowments, whose annual nett profits shall exceed ten thousand dollars; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of law and equity; and to grant degrees under their common seal.

4. The president and professors, or a majority of them, shall have the power of appointing a treasurer, tutors, and other subordinate officers for the said college; of removing them when they see fit, and of prescribing rules and regulations for their conduct in their respective offices. To the president and professors shall also appertain the power of determining on, and adopting the proper system of education for the different schools, and of framing and carrying into effect, rules and ordinances for the good order and government of the students and scholars of the said college.

5. And for the purpose of appointing the president and professors of the said college, and perpetuating their succession, and for the more general government of the said college, the following persons are constituted a board of visitors, viz: The governor of the commonwealth for the time being, Andrew Moore, James McDowell, Andrew Reed, John Caruthers of Rockbridge, Archibald Stewart, Alexander St. Clair, John Coalter of Augusta, John White of Bath, John Stewart, William H. Cavendish of Greenbrier, James Breckenridge, Robert Harvie, Henry Bowyer, Thomas Madison, William Willson, James Risque of Botetourt, Christopher Clark of Bedford, Nicholas Cabell and William Cabell, junior, of Amherst, who, or a majority of them, shall have the power of appointing the president

and professors of the said college, of removing or suspending the same for good cause shewn, and of supplying vacancies in the said body; but no professor shall be admissible into his office without first taking the oath of fidelity to the commonwealth.

Professors to take the oath of fidelity.
Rector, how chosen.

6. The said visitors shall annually choose a rector, who shall preside in their meetings, and whose duty it shall be to convene them as often as it shall appear necessary.

7. The said visitors, or a majority of them, shall fix the salaries of the president and professors, and the fees of tuition in the different schools, and shall have the power of making and establishing statutes and ordinances for the general government of the said college. They shall also have the power of inspecting and examining the accounts of the said college, and of inquiring into the management of its estate, and no real property belonging to it shall be sold without their consent. On the death, resignation, or refusal to act of the rector or any of the visitors, it shall be lawful for the remaining visitors, or a majority of them, to supply such vacancies; and the rector and visitors so elected shall have the same powers and authority as those particularly named in this act: *Provided always*, That nine at least of the said visitors shall reside within forty miles of the college, and that no person shall be capable of being elected, or of holding the office of a visitor, whose place of residence is or shall be more than sixty miles from the said college. And any visitor removing to a greater distance than sixty miles (except the governor of the commonwealth,) from the college, after his election to the said office, and thereby leaving a less number than nine visitors within the said distance, shall, by such removal, vacate his office of visitor.

Salaries of president and professors, and fees of tuition to be fixed by the visitors.

Vacancies in the board of visitors, &c. how supplied.

Proviso.

8. Nothing in this act contained shall be construed to give to the president and professors, or to the rector and visitors of the said college, the power of making any by-law, rule, ordinance, statute, or regulation whatever, contrary to the constitution or laws of this commonwealth.

No ordinance, &c. to be contrary to the constitution and laws of the state.

9. The rector and visitors, before they enter upon the execution of the trust reposed in them by this act, shall severally take the following oath or affirmation, to be administered by a justice of the peace of the county of Rockbridge, and certified by him to the said rector and visitors, to be recorded in their minutes, that is to say:

Rector and visitors to take oath of office.

"I, A. B. do swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties required of me by an act, intituled, 'An act for erecting Liberty Hall academy into a college,' without favor, affection or partiality. So help me God."

Form of such oath.

10. And be it further enacted, That until the president and professors shall be appointed for the said college of Washington, the property which has been appropriated to the use of Liberty Hall academy, and the property which shall be appropriated to the use of the said college, shall be in the visitors thereof, and their successors, who shall have every power necessary for the management of the same, except the power of selling; and on the appointment of a president and professors, all the property aforesaid, real and personal, shall be transferred to and vested in the said president and professors.

Property appropriated to the use of Liberty Hall academy, to be vested in president and professors on their appointment.

11. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 42.—An ACT to amend the act concerning public roads.

[Passed December 10, 1796.]

Surveyors of roads notified of their appointment by the sheriff.

1. *Be it enacted by the general assembly*, That the clerk of every county court shall, within ten days after the appointment of any surveyor of a road, deliver a copy of the order of his appointment to the sheriff of the county, under the penalty of five dollars, and the sheriff shall before the next court to be held for the said county, after the receipt of such order, deliver a copy thereof to the surveyor, if to be found within the county, and return the original to the clerk's office, with an endorsement thereon, stating the truth of the case, under the penalty of five dollars, which in all cases shall be conclusive evidence of such surveyor having notice of his appointment.

Penalty on sheriff in case of failure.

Fines, &c. herein imposed, how recovered and appropriated.

Repealing clause.

2. The fines and penalties hereby imposed shall be recoverable and appropriated in like manner as the fines and penalties imposed under the act, intituled, "*An act concerning public roads.*"

3. So much of an act "*Concerning public roads,*" as comes within the purview of this act, shall be and the same is hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the first day of March next.

CHAP. 43.—An ACT to authorize the Patowmac company to employ a certain number of slaves from the state of Maryland, for a limited time.

[Passed December 7, 1796.]

President and directors may employ a certain number of slaves from Maryland, for a limited time.

Be it enacted by the general assembly, That it shall be lawful for the president and directors of the Patowmac company to employ, at the great falls of Patowmac river, any number of slaves from the state of Maryland, not exceeding sixty, for the space of one year from the time they shall be respectively brought to the said falls, for the purpose of improving the navigation of the said river; and that such slaves, or any of them, shall not be entitled to their freedom in consequence of such removal from the state of Maryland, and employment at the great falls as aforesaid; any law to the contrary thereof notwithstanding.

CHAP. 44.—An ACT concerning the Patowmac company.

[Passed December 1, 1796.]

Further time to complete the navigation.

1. *Be it enacted by the general assembly*, That the further time of four years to be computed from the expiration of the term already given, shall be and is hereby allowed the Patowmac company, to complete the navigation of Patowmac river.

Company may contract the size of locks.

2. The said company may, and they are hereby authorized to contract the breadth of the locks to be constructed at the great falls, to a space not less than fourteen feet, as they shall judge expedient; any law to the contrary notwithstanding.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 45.—An ACT to amend the act, intituled, "*An act to empower the freeholders of the several towns not incorporated to supply the vacancies of the trustees and directors thereof.*"

[Passed December 27, 1796.]

Vacancies in the office of trustee of a town by re-

1. *Be it enacted*, That the office of any trustee or director of any town within this commonwealth, shall become vacant by the

removal of such trustee or director out of the county, within which such town may be, and that vacancies so happening shall be supplied in like manner as is directed by the act, intituled, "*An act to empower the freeholders of the several towns not incorporated to supply the vacancies of the trustees and directors thereof.*"

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 46.—An ACT for killing squirrels or crows in certain counties.

(Passed December 16, 1796.)

1. *Be it enacted by the general assembly,* That every free male titihable in the counties of James City, Russell, York, New Kent, Montgomery, Westmoreland, Northumberland, Wythe, Lee, Richmond, Randolph, Lancaster, King George, Washington, Pendleton, Greenbrier, Ohio and Brooke, shall produce to a justice of the peace of the said counties respectively, on or before the first day of December, in each of the years of one thousand seven hundred and ninety-seven, and one thousand seven hundred and ninety-eight, six scalps of squirrels or crows for every titihable listed or given in by such free male person, in each of the said years, and every scalp so produced, the justice shall cause immediately to be destroyed.

2. Every free male titihable failing to produce the number of scalps as aforesaid, shall pay the sum of three cents for each scalp he shall so fail to produce, to be levied by the courts at the time of laying the county levy, and collected and accounted for in like manner as the said levy, and paid to those persons who shall produce to a justice as aforesaid, a greater number of scalps than are required by this act, in proportion to such excess.

3. Each justice shall keep a fair and alphabetical list of the names of the persons, and number of scalps produced to him, and return the same to the clerks of the respective courts, on or before the first day of June, in each of the aforesaid years, and the clerk shall from thence make up a list of the names and number of scalps produced by each titihable, and lay the same before their respective courts, for their guide and direction in levying the penalties imposed by this act.

CHAP. 47.—An ACT giving further time to the owners of certain surveys to return the plats and certificates thereof into the land office, and a further time to the owners of entries on the western waters to survey the same.

(Passed December 13, 1796.)

1. *Be it enacted by the general assembly,* That the further time of twelve months, to be computed from the thirty-first day of December next, shall be allowed the owners of surveys of lands on the western waters, and the further time of twelve months, to be computed from the said thirty-first day of December, to the owners of surveys of lands on the eastern waters, for returning all plats and certificates of surveys, to the register of the land office, who shall receive the same; and all plats and certificates of survey aforesaid, not returned within the period aforesaid, are hereby declared to be absolutely null and void, and the lands included in said surveys, subject to another location.

2. *And be it further enacted,* That so much of this act, as relates to lands on the eastern waters, shall be so construed, as only to authorize the register of the land office, to receive plats and certi-

cates of surveys, made on locations under the commonwealth's land warrants.

All entries shall be void unless surveyed within two years.

3. *And be it further enacted*, That all entries made either on the eastern or western waters, shall become absolutely null and void, unless the same be surveyed within two years, to be computed from the first day of November last; and that all entries hereafter made, shall become void, unless surveyed within two years after their date, and the lands subject to another location.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 48.—An ACT to establish a town on the lands of George Carrington, in the county of Halifax.

(Passed December 8, 1796.)

Preamble.

Whereas it hath been represented, that fifty acres of land, the property of George Carrington, in the county of Halifax, lying at the place called Boyd's ferry on Dan river, are conveniently and advantageously situated for a town, and on which there are valuable buildings erected, and divers inhabitants of the said county have made application to this assembly, with the consent of the said George Carrington, to pass an act for disposing of the said land by lottery, so as to raise the sum of two thousand pounds, to be paid the proprietor, and establish a town thereon:

Persons named as commissioners, with power to lay off a town and dispose of lots by lottery, &c.

1. *Be it therefore enacted*, That it shall and may be lawful for Berryman Green, David Bates, William M'Craw, William Terry, John B. Scott, Jacob Faulkner, Isaac Oakes and John Faulkner, gentlemen, commissioners, or a majority of them, to dispose of the said fifty acres of land, by lottery, in lots of half an acre each, with convenient streets, so as to raise thereby the sum of two thousand pounds, and pay the same to the said George Carrington, or his legal representatives.

Persons appointed trustees.

2. So soon as the said sum of two thousand pounds shall be paid to the said George Carrington, or his legal representatives, the lots so laid off shall thenceforth be established a town, to be called and known by the name of South Boston; and that the said Berryman Green, David Bates, William M'Craw, William Terry, John B. Scott, Jacob Faulkner, Isaac Oakes and John Faulkner, gentlemen, be constituted trustees thereof.

Conveyances to be made the purchasers of lots under certain conditions.

3. The said George Carrington, upon receipt of the said sum of two thousand pounds, shall, and he is hereby required to convey the said lots to the persons respectively, drawing the same in the said lottery, subject to the condition of building on each lot a dwelling house sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within five years from the date of such conveyance.

Trustees to adopt rules, &c. concerning the town.

4. The said trustees, or a majority of them, are empowered to make such rules for the regular building of houses therein, as to them shall seem proper, and to settle and determine all disputes concerning the bounds of the lots.

Vacancies in trustees, how supplied.

5. Vacancies by death or otherwise, of one or more of the said trustees, shall be supplied in manner prescribed by the act passed in the year one thousand seven hundred and seventy-eight.

CHAP. 49.—An ACT to establish several new ferries, and for other purposes.

(Passed December 9, 1796.)

1. *Be it enacted by the general assembly*, That ferries be constantly kept at the places hereafter mentioned, and the rates for passing the same as followeth; that is to say: Ferries established and rates for passing.

From the land of Alexander McIntire, in the county of Monongalia, across Monongalia river, to the land of Coleby Chew, on the opposite shore, the price for a man four cents, and for a horse the same. Across Monongalia river.

From the land of Thomas Bennett, in the county of Hampshire, across Patowmac river, to the land of David Miskimmins, on the opposite shore, in the state of Maryland, the price for a man six cents, and for a horse the same. Across Patowmac river.

From the land of John Beard, in the county of Ohio, across Ohio river, to the opposite shore, the price for a man eight cents, and for a horse the same. Across Ohio river.

From the land of Charles Callaway, in the county of Pittsylvania, across Staunton river, to the land of James Callaway, the price for a man four cents, and for a horse the same. Across Staunton river.

From the land of John Stricker, in the county of Ohio, across Ohio river, to the opposite shore above the mouth of M'Mahan's creek, the price for a man eight cents, and for a horse the same. Across Ohio river.

From the land of George Thomas, in the county of Pittsylvania, across Dan river, to the land of John Lewis, in the county of Halifax, the price for a man four cents, and for a horse the same. Across Dan river.

From the land of John Henderson, deceased, in the county of Greenbrier, across New river, to the land of John Toney, on the opposite shore, the price for a man six cents, and for a horse the same. Across New river.

From the land of William Staples, at the mouth of Stonewall creek, in the county of Campbell across James river, to the land of Joseph Mayo, on the opposite shore, the price for a man four cents, and for a horse the same. Across James river.

From the land of Henry Thomson, in the county of Harrison, across Tyger's valley river, to the land of Henry Banks, the price for a man four cents, and for a horse the same. Across Tyger's valley river.

From the land of John Cuppy, below the mouth of Tumbelson run, in the county of Ohio, across Ohio river, the price for a man eight cents, and for a horse the same. Across Ohio river.

From the land of Joseph Liggon, in the county of Halifax, across Dan river, to the land of John Wilson, on the opposite shore, the price for a man four cents, and for a horse the same. Across Dan river.

From the land of Baldwin Dade, in the county of Fairfax, across Patowmac river, to the opposite shore, the price for a man twelve and an half cents, and for a horse the same: And Across Patowmac river.

From the lands of the said Baldwin Dade, to the city of Washington, in the state of Maryland, the price for a man thirty-seven and an half cents, and for a horse the same. And to the city of Washington.

From the land of John Coffman, in the county of Shenandoah, across the south fork of Shenandoah river, to the land of Abraham Strickler, the price for a man six cents, and for a horse the same. Across the south fork of Shenandoah river.

From the land of John Evans, junior, and Benjamin Reeder, in the county of Monongalia, across Monongalia river, at the mouth of Pawpa creek, to the land of Josiah Prickett, the price for a man four cents, and for a horse the same. Across Monongalia river.

Rates of ferriage from Westover and from Shirley, across James river.

2. *And be it further enacted*, That the keeper of the ferry from Westover, across James river, to Maycox's or Coggin's point, shall be allowed seventeen cents for a man, and the same for a horse: And the keeper of the ferry from Shirley to Bermuda Hundred, shall be allowed fourteen cents for a man, and the same for a horse; instead of the rates heretofore allowed by law.

Rates for transportation of coaches, waggons, &c.

3. The transportation of the following things shall be at the rates hereafter mentioned, that is to say: For every coach, wagon, chariot, and the driver, the same as for six horses: For every four wheeled chaise, phaeton and driver the same as for four horses: For every two wheeled riding carriage, the same as for two horses: For every hogshead of tobacco, the same as for one horse: For every head of neat cattle the same as for one horse: For every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse.

Penalty on ferry keeper for demanding more than is allowed.

4. If the ferry keeper at either of the aforesaid places shall demand and take from any person, a greater sum for the ferriage than is allowed by this act, such offender shall forfeit and pay to the person so overcharged, the ferriage demanded and received, and two dollars for every such offence; recoverable before any justice of the peace of the county.

Two ferries across James river discontinued.

5. The ferry from the land of Edward Cox, called Kingsland ferry, across James river, and also from the lands of William Galt, in the county of Campbell, across the said river, shall be henceforth discontinued.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 50.—An ACT for opening and improving the navigation of Pig river.
(Passed December 13, 1796.)

Preamble.

Whereas it hath been represented to this present general assembly, that the clearing and extending the navigation of Pig river from the mouth thereof to Washington iron works, in the county of Franklin, will be of public utility, and that many persons are willing to subscribe considerable sums of money to carry the same into effect:

Persons appointed trustees.

1. *Be it therefore enacted*, That Swinfield Hill, Benjamin Cook, Josiah Woods, Samuel Duval, and James Callaway, junior, gentlemen, be, and they are hereby appointed trustees for clearing, improving, and extending the navigation of the said river as aforesaid, so as to have a sufficient depth and width of water to navigate boats, batteaus or canoes, capable of carrying three thousand weight, and to take and receive subscriptions for that purpose.

Penalty on subscribers failing to pay subscription, and how recoverable.

2. If any person or persons shall neglect or refuse to pay the several sums of money by them respectively subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same in the name of the trustees aforesaid, by warrant before a magistrate, where the subscription shall not exceed five dollars: and where it exceeds that sum, by motion in the court of the said county of Franklin, or in that county in which the delinquent subscriber shall reside, on giving the party ten days previous notice of such motion.

Trustees may contract for clearing the navigation.

3. The said trustees, or a majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the river aforesaid, in such manner as to

the said trustees shall seem most proper, and to remove all obstructions, which in any wise injure the said navigation.

4. The said trustees, or a majority of them, shall as often as they may see occasion, appoint one or more of their number, willing to undertake the same, and in case of their refusal, any other person or persons to be receiver or receivers of all monies subscribed by virtue of this act, and the persons so appointed, shall, in the court of the said county, give bond with sufficient security in a reasonable penalty, payable to the said trustees and their successors, for the time being, with condition that he or they, his or their heirs, executors or administrators, at all times when required, shall and will truly and faithfully account for all such sums of money, as shall come to the hands of the said receiver or receivers for the purposes of this act, and pay the same to such person or persons as the said trustees, or a majority of them, shall order and direct.

May also appoint a treasurer, who shall enter into bond, &c.

5. In case of the death, resignation, or other disability of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to supply the vacancy.

Vacancies in trustees how supplied.

CHAP. 51.—An ACT giving further time to the commissioners appointed for surveying and apportioning the lands granted to the Illinois regiment, to execute deeds for the same.

(Passed December 2, 1796.)

1. *Be it enacted by the general assembly*, That the commissioners, or any three of them named in, and appointed by, two several acts of assembly, one whereof, passed in the year one thousand seven hundred and eighty-three, intituled, "*An act for surveying and apportioning the lands granted to the Illinois regiment, and establishing a town within the said grant*," the other passed in the year one thousand seven hundred and eighty-six, intituled, "*An act to amend the act, intituled, 'An act for surveying and apportioning the lands granted to the Illinois regiment, and establishing a town within the said grant,'*" be, and they are hereby authorized and empowered, upon application to them made for that purpose, to execute deeds to the respective claimants, entitled to portions of land under the said acts of assembly, whose titles thereto have been heretofore, or may hereafter be settled and determined, by the said commissioners.

Commissioners appointed by acts of assembly herein recited, authorized to execute deeds, &c.

2. The said commissioners, in ascertaining such titles hereafter, shall be influenced and directed by the same opinions and principles, which governed them in their proceedings, under the above recited acts. Every person entitled to, and applying for a deed or deeds, by virtue of this act, shall, before obtaining the same, pay to the commissioners such legal fees accruing thereon, as have heretofore been exacted by them in such cases.

And shall be governed by principles which have governed heretofore, with respect to allowance of fees, &c.

3. This act shall be in force from the passing thereof.

Commencement.

CHAP. 52.—An ACT supplemental to the act, intituled, "*An act giving further time to the commissioners appointed for surveying and apportioning the lands granted to the Illinois regiment, to execute deeds for the same.*"

(Passed December 23, 1796.)

1. *Be it enacted*, That the commissioners mentioned in the act, intituled, "*An act giving further time to the commissioners appointed for surveying and apportioning the lands granted to the Illinois regiment, to execute deeds for the same,*" which passed

Commissioners authorized to appoint surveyors.

during the present session of assembly, shall be, and they are hereby empowered to appoint, from time to time, a surveyor or surveyors, for the purpose of carrying the said recited act into execution.

Commencement.

2. This act shall be in force from the passing thereof.

CHAP. 53.—An ACT giving further time to build upon, and save the lots in certain towns.

(Passed December 7, 1796.)

Owners of lots in the towns herein mentioned, allowed further time to build upon and save the same.

1. *Be it enacted by the general assembly*, That the further time of five years, from and after the passing of this act, shall be, and is hereby allowed the proprietors of lots in the several towns of Stevensburg, in the county of Culpeper, of Beverley, in the county of Randolph, of Saint Taminy, in the county of Mecklenburg, of Madison, in the county of Amherst, and of Jerusalem, in the county of Southampton, to build upon and save their respective lots; any law to the contrary thereof, notwithstanding.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 54.—An ACT to incorporate the trustees of an academy in the county of Brunswick.

(Passed November 22, 1796.)

Persons appointed trustees incorporated, their privileges, &c.

1. *Be it enacted by the general assembly*, That Edward Dromgoole, Aaron Brown, John Easter, John Paup, Henry Merritt, Peter Robinson, Peter Pelham, Thomas Stith, Wright Tucker, Joseph Speed, Samuel Holmes, Hubbard Saunders, and John Niblett, gentlemen, are hereby constituted a body politic and corporate, by the name of the trustees of the Ebenezer academy, and by that name shall have perpetual succession, and a common seal. The said trustees by the name aforesaid, may sue and be sued, may take and hold any estate, real or personal, either by devise or purchase to and for the use and benefit of the said academy.

Number necessary to form a board, appoint a president, &c.

2. Any seven of the said trustees, shall be a sufficient number to constitute a board, and when assembled shall have power to appoint a president and tutors, a secretary and treasurer, and to enact such by-laws as they may think necessary for the government of the said academy, so that such laws do not contravene the laws and constitution of this commonwealth.

Vacancies in trustees how supplied.

3. Vacancies by death, removal to the distance of forty miles from the said academy, resignation, or other disability of any of the said trustees, shall be supplied from time to time, by a majority of the remaining trustees.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 55.—An ACT appointing trustees of the town of Fairfax, and allowing the owners of lots therein, further time to build thereon.

(Passed November 19, 1796.)

Preamble.

Whereas it hath been represented to this present general assembly, that all the trustees of the town of Fairfax, in the county of Culpeper, are dead, and application hath been made to appoint other trustees, and allowing the owners of lots in the said town, a further time to build upon and save the same:

1. *Be it therefore enacted*, That Edward Stevens, French Strother, John Jameson, John Shackelford, and Richard Y. Wigginton, gentlemen, shall be, and they are hereby constituted trustees of the said town of Fairfax, with like power and authority, as if they had been particularly named and appointed, in the act for establishing the said town. Persons appointed trustees.

2. *And be it further enacted*, That the proprietors of lots in the said town of Fairfax, shall be allowed the further time of three years, from and after the passing of this act, to build upon and save their respective lots; any law to the contrary in any wise, notwithstanding. Further time allowed to build upon and save lots.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 56.—An ACT for adding part of the county of Bath to the county of Pendleton.

(Passed December 3, 1796.)

1. *Be it enacted by the general assembly*, That all that part of the county of Bath within the following bounds, to wit: beginning at the top of the Alleghany mountain, the north-west side of the line of the county of Pendleton, thence a straight line to the lower end of John Slavin's plantation on Greenbrier river, thence to Dunwiddie's gap on Jackson's river, thence crossing the Bull Pasture river, so as to leave Edward Stewart in the county of Bath, thence to Stewart's gap on the Cow Pasture, thence to the top of the mountain which divides the waters of the Cow Pasture and Calf Pasture rivers, thence a north-eastwardly course along the said mountain to the line of the county of Pendleton, shall be and the same is hereby added to and made part of the said county of Pendleton. Part of Bath county added to Pendleton.

Provided always, That nothing herein contained shall be construed to hinder the sheriff of the county of Bath from collecting and making distress for any public dues or officers' fees remaining unpaid by the inhabitants of that part of the said county of Bath hereby added to the said county of Pendleton, and shall be accountable for the same in like manner as if this act had not been made: *Provided also*, That any expense to be incurred in carrying this act into operation, shall be defrayed by the county of Pendleton. Proviso as to collection of fees, dues, &c. unpaid in that part of Bath herein mentioned.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 57.—An ACT to amend the act, intituled, "An act authorizing the sale of certain lots or parcels of land in the town of Romney, and for other purposes."

(Passed December 21, 1796.)

Whereas the mode prescribed by an act passed on the twenty-seventh day of December, in the year one thousand seven hundred and ninety-four, intituled, "*An act authorizing the sale of certain lots or parcels of land in the town of Romney, and for other purposes therein mentioned*," for the collection and payment of the monies arising from the sale of the lots or parcels of land therein mentioned, has proved ineffectual for that purpose: For remedy whereof, Preamble.

1. *Be it enacted by the general assembly*, That the trustees in the said act mentioned, and their successors, shall be and they are hereby authorized and empowered to appoint some fit person, who Trustees may appoint a collector for the purposes herein mentioned,

who shall enter into bond, &c.

shall sue for and collect of the several purchasers of the said lots or parcels of land in the town of Romney, the several sums of money due by them for their respective purchases. The person so appointed shall enter into bond, with such security as may be approved of by the said trustees, in the penalty of three thousand dollars, payable to the governor of this commonwealth for the time being, and his successors, and conditioned for the faithful discharge of the duties of his said office, as directed and required of him by this act.

Collector to account with the auditor for his collections.

Proviso.

2. When the said collector shall have received of all the said purchasers the several sums by them due as aforesaid, he shall account with the auditor for the money by him so received, and pay the same into the public treasury: *Provided nevertheless*, That the said collector shall retain out of the said money, a sum not exceeding six *per centum* on the amount thereof, for his trouble in collecting and paying the same into the public treasury.

CHAP. 58.—An ACT for dividing the county of Ohio.
(Passed November 30, 1796.)

County of Ohio divided as herein mentioned.

1. *Be it enacted by the general assembly*, That from and after the first day of May next, all that part of the county of Ohio, within the following bounds, to wit: beginning on the Ohio river at the mouth of Short creek, thence up the said creek to Nathaniel Coleman's mill, thence a straight line to the north-west corner of Robert M'Clure's field on the ridge between Short creek and Buffaloe creek, thence south seventy-five degrees east, until it intersects the line of the state of Pennsylvania, shall form one distinct county, and be called and known by the name of Brooke.

Court for the county of Brooke when holden.

2. A court for the said county of Brooke, shall be held by the justices thereof on the fourth Tuesday in every month, after the same shall take place, in like manner as is provided by law for other counties and shall be by their commissions directed.

Justices shall meet, qualify, and appoint a place for holding courts, a clerk, &c.

3. The justices to be named in the commission of the peace for the said county of Brooke, shall meet at the house of William Tharp in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law and administered the oath of office to and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit, and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts, as they shall think proper: *Provided always*, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

Proviso.

First sheriff how appointed.

4. The governor with the advice of council, shall appoint a person to be first sheriff of the said county of Brooke, who shall continue in office during the term, and upon the same conditions as by law are appointed for other sheriffs.

Proviso as to collection of officers'

Provided also, and be it further enacted, That it shall be lawful for the sheriff of the said county of Ohio to collect and make dis-

treasury for any public dues or officers' fees remaining unpaid by the inhabitants of the said county of Brooke, at the time it shall take place, and the sheriff of the said county of Ohio, shall be accountable for the same in like manner as if this act had not been made.

fees, &c. unpaid in the new county.

5. The court of the said county of Ohio shall have jurisdiction of all actions and suits which shall be depending before them at the time the said county of Brooke takes place, and shall try and determine the same, and award execution thereon.

Court of Ohio, its jurisdiction in certain cases continued.

6. The county of Brooke shall be of the same district as the county of Ohio for holding a district court, and shall be of the same brigade district.

Brooke to be of same district, &c. as Ohio.

In all future elections of a senator, of a representative in congress, and of an elector, the said county of Brooke shall be of the same district as the said county of Ohio.

7. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 59.—An ACT to establish a town at the Red springs.

(Passed December 5, 1796.)

1. *Be it enacted by the general assembly,* That sixty-five acres of land in the county of Botetourt, the property of Robert Brownfield, Joseph Blyth, John Ward, and Thomas Mitchel, and adjoining to the place called and known by the name of the Red spring, be vested in James Breckenridge, Thomas Madison, Joel Bott, Henry Bowyer, David Kean, David Randolph, Archibald Stuart, William Haynes, and Sampson Sawyers, gentlemen, trustees, to be by them, or a majority of them, laid off into one hundred lots, with convenient streets, and established a town by the name of Fontville.

Names of the trustees of Fontville, who shall lay the same off, &c.

2. That so soon as the said lots shall be laid off, the said trustees shall open a subscription for the sale thereof, and when one hundred lots are subscribed for, the trustees after giving three weeks notice in the Virginia gazette, of the time and place for balloting, shall proceed to ballot for the said lots, and each subscriber shall be entitled to such lot as shall be drawn for by him, or some one for him, under the direction of the said trustees, or a majority of them.

Lots in said town how disposed of.

3. The purchasers of the said lots shall respectively, within the space of five years, to commence from the time of balloting as aforesaid, build or cause to be built on each lot, a dwelling house at least sixteen feet square, of wood or of brick or stone, with a brick or stone chimney; and on failure to do so, the same shall revert to the trustees, who shall dispose thereof for the best price they can, and apply the monies arising therefrom, in the first instance, to the erection and repairing the baths, and the balance, to keeping the streets in good order.

Time allowed to improve lots, and forfeiture on failure.

4. *And be it further enacted,* That the said Red spring, and also all mineral waters which now are, or which hereafter may be discovered, on the tract of land called the Red spring tract, whether within, or without the limits of the said town, shall be consigned as a common, and remain forever free to the proprietors of the said lots, and their assigns, and to all other persons who may resort to, and wish to use the same.

The Red springs and all mineral waters hereafter discovered at the place herein free to the proprietors of lots, &c.

If the sources of any mineral waters shall be discovered on any of the lots, the proprietor or proprietors, shall not be entitled to any exclusive right or use therein; but the same shall be used and en-

joyed in common, by all the inhabitants of the said town, and all others resorting there for their health.

Tanneries and other nauseous occupations inhabited in Fontville.

5. No tanneries, distilleries, butchers' stalls, or other occupations or professions, which may annoy or injure the inhabitants of the said town, shall be erected or carried on therein: And the said trustees, or a majority of them, are hereby invested, not only with the power of deciding what shall be considered as nuisances, but shall have power to abate them, or prosecute the offenders agreeable to law.

Baths at the springs how provided, kept in repair, &c.

6. Baths, comfortable and sufficiently capacious for the use of all who may resort to the said springs, shall, from time to time as may be necessary, be erected and kept in repair, by a tax levied by the trustees, on the inhabitants of the said town, and apportioned among them and the owners of lots, in the manner and proportion, as directed and observed in other towns in this commonwealth, under the revenue laws.

Trustees may appoint a collector who shall give bond, &c.

7. The trustees, or a majority of them, shall have power to appoint a collector, to collect and receive the said levies; who shall enter into bond with security, payable to the trustees and their successors, for the faithful discharge of his duty, and in failure to account for the monies received by him, shall, by motion in the court of the county, on having received ten days previous notice, be liable to judgment and execution.

Trustees shall make regulations for the government, &c. of said town.

8. The trustees, or a majority of them, shall have power to make such rules for the regular building of the houses in the said town, as to them may seem best; and to settle all disputes about the boundaries of the lots; as also, to make such by-laws and regulations for the good government of the said town, as they may judge proper, and which may not be incompatible with the laws of this commonwealth.

Vacancies in trustees how supplied.

9. In case of the death, resignation, or removal of one or more of the trustees, the vacancy shall be supplied by the freeholders of said town, pursuant to law.

Commencement.

10. This act shall commence and be in force from and after the passage thereof.

CHAP. 60.—An ACT for assessing the lands in the counties of Greenbrier, Kanawha and Randolph.

[Passed November 24, 1796.]

Preamble.

Whereas it is represented to this present general assembly, that large quantities of land lying in the counties of Greenbrier, Kanawha and Randolph, remain unassessed (although grants have issued therefor) whereby the revenue is defrauded of these sums justly due it: for remedy whereof,

Executive to appoint three persons as commissioners to assess the lands in the counties herein mentioned.

1. *Be it enacted*, That the governor with the advice of council shall appoint three reputable persons in each of the counties aforesaid to assess all the lands in the said counties as well those formerly assessed as those not yet assessed, and who shall assess the same so as that the average price thereof, shall be equal to the average price settled by an act passed in the year one thousand seven hundred and ninety-two, intituled, "*An act for equalizing the land tax*," for lands in said counties.

Register to transmit a list of grants for land in said counties.

2. And whereas great part of the said lands remain uninhabited, whereby the commissioners cannot proceed for want of information where the lands belonging to sundry persons lie, to assess the same;

in order therefore, to enable them to proceed with the utmost possible certainty to the valuation thereof: *Be it enacted*, That the register of the land office shall, on or before the first day of June next, transmit to the aforesaid commissioners to be appointed in each county, a complete list of all grants issued for lands in each of the said counties since the year one thousand seven hundred and eighty-five, noting therein the person for whom the land contained in the grant was originally surveyed, if it be not the person to whom the grant has issued, thereby to enable the said commissioners to make enquiry at the office of the surveyor of the county for information where the lands lie, which information the said surveyor is hereby required to give, whereupon the said commissioners shall proceed to value the same, making the rules and regulations contained in the beforementioned act, passed in the year one thousand seven hundred and eighty-two, their guide in valuing said lands.

Commissioners may require information of surveyor relative to certain lands.

3. The said commissioners before they begin to discharge any of the duties prescribed by this act, shall, before some court of their said counties, take the following oath: "*I, A. B. do solemnly swear (or affirm, as the case may be) that I will diligent enquiry make of all lands within the county of _____, and a just valuation thereof make agreeable to that of other lands of equal quality and situation in the said county, without favor or partiality, according to the best of my skill and judgment. So help me God.*"

Commissioners shall take an oath of office agreeably to the form herein.

4. The said commissioners having valued all the said lands, shall proceed to make off two complete alphabetical lists of all persons owning lands in their respective county, the quantity of land belonging to each person, the average price at which they have valued the same, the total amount thereof, and the tax which will become due thereon at the rate of one fourth *per centum*; one copy whereof they shall transmit to the auditor's office, there to be kept, to enable him to examine the lists hereafter to be sent to the said office by the commissioners of the taxes, and the other copy they shall deliver to the commissioners of the taxes in their respective county, to enable them to prepare their lists for the direction of the sheriff.

Commissioners to make off two lists of persons owning lands, &c. for the purpose herein mentioned.

5. *And be it further enacted*, That the said commissioners shall lay before the court of their county, an account for their services in discharging the duties required by this act, and make oath that the same is just and true, and the said court shall certify that the same, (or so much thereof as they shall judge right) is but a just and adequate allowance for the said service to the governor and council, who shall thereupon direct the auditor to issue a warrant to the treasurer for the payment thereof.

Commissioners to render an account of their services—how compensated, &c.

6. *And be it enacted*, That the said commissioners shall make return of their proceedings in discharging the duties required by this act, to the auditor, on or before the first day of May, in the year one thousand seven hundred and ninety-eight.

Commissioners to make return of their proceedings.

7. *And be it further enacted*, That if any person appointed a commissioner shall refuse to discharge the duties required, the governor, with advice of council, shall appoint other or others in the room of him or them so refusing.

On refusal to act as a commissioner executive shall appoint others.

8. This act shall commence and be in force from and after the first day of May next, for and during the term of two years and no longer.

Commencement and duration.

CHAP. 61.—An ACT to incorporate the trustees of the Charity school of Fredericksburg.

(Passed December 13, 1796.)

Trustees—their names and style of incorporation.

1. *Be it enacted by the general assembly*, That Benjamin Day, Charles Yates, George French, William Lovell, Fontaine Maury and Elisha Hall, and their successors shall be and they are hereby constituted and made a body politic and corporate, by the name of the trustees of the Charity school of Fredericksburg, and by that name shall have perpetual succession.

Extent and duration of their powers and office.

2. The said trustees and their successors for the time being, shall have power to make such rules and regulations from time to time as they may think proper and necessary for the good government of the said Charity school.

The powers of the trustees named in this act, shall cease on the twenty-ninth day of January, in the year one thousand seven hundred and ninety-eight, and the subscribers to the said institution, or so many as do attend for that purpose, shall on that day, if it happen not on Sunday, and if it does, then the next day, and so in like manner on the same day in every year thereafter, assemble at the courthouse in the said town, and then and there elect and choose six trustees of the Charity school of Fredericksburg, to continue in office until the next day of election: *Provided always*, That no person shall be elected a trustee who is not a resident of the said town.

Proviso.

Vacancies in trustees, how supplied.

3. In case of the death, resignation or other disability of one or more of the trustees within the year, the vacancy thereby occasioned, shall be supplied by the remaining trustees.

Mayor, &c. of Fredericksburg made joint trustees.

4. *And be it further enacted*, That the mayor and commonalty of the town of Fredericksburg, and their successors shall be, and they are hereby constituted and made, to all intents and purposes, joint trustees of the said Charity school, with those incorporated by this act.

CHAP. 62.—An ACT supplemental to the act, intituled, "An act to incorporate the trustees of the Charity school in Fredericksburg."

(Passed December 26, 1796.)

Mayor and recorder of Fredericksburg incorporated with and made joint trustees with those named in the act herein recited.

1. *Be it enacted by the general assembly*, That the mayor and recorder of the corporation of Fredericksburg, and their successors, shall be, and they are hereby incorporated and made joint trustees of the Charity school in the said town of Fredericksburg, with those incorporated by an act of the present session, intituled, "*An act to incorporate the trustees of the Charity school of Fredericksburg*," and that so much of the said act as constitutes the commonalty of the said town joint trustees of the said Charity school with those named in the said act, is hereby repealed.

Powers of the trustees enlarged.

2. The trustees of the said Charity school and their successors by the name aforesaid, shall have power to sue and be sued, plead and be impleaded, in any court of law or equity, and by that name to take, purchase, hold and retain any property, real or personal, to and for the use and benefit of the said Charity school.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 63.—An ACT for reassessing the lands in the counties of Ohio and Brooke.

(Passed December 2, 1796.)

1. *Be it enacted by the general assembly*, That three discreet and reputable persons shall be appointed by the governor, with advice of council, as commissioners to make a new valuation of all the lands included in the county of Ohio, and in the county of Brooke, in such manner that all the lands so included, shall average the price of three shillings per acre.

Executive to appoint three commissioners to reassess the lands herein mentioned.

2. The commissioners so appointed, any two of whom shall be sufficient to act, shall before they enter on the execution of the duties herein required, take an oath before the court of the said county of Ohio, which oath shall be entered of record, faithfully and impartially to value all the lands in the county of Ohio, and of Brooke, to the best of their skill and judgment, in such manner, that the whole quantity of land contained therein, shall on an average, amount to the price of three shillings per acre; in case of the death, refusal to act or other disability of all or any of the said commissioners, the governor, with advice of council, shall appoint others in the room of the persons dead, refusing or disabled, who shall in like manner, take an oath as herein before described.

Commissioners shall take an oath of office, and vacancies therein how supplied, &c.

3. The commissioners appointed, may enter on the execution of the duties herein required, as soon as they shall have taken the oath aforesaid, and shall continue therein from time to time, so as to complete the whole by the first day of October, in the year one thousand seven hundred and ninety-seven.

Having qualified may proceed to the execution of this act.

4. The said commissioners, shall make fair and distinct entries of all the lands by them valued, in a book to be by them kept for that purpose, of which book they shall make three copies, one of which shall be delivered to the governor, to be laid before the general assembly, at their meeting in the session in the fall of seventeen hundred and ninety-seven, one other copy to be delivered to the clerk of the county of Ohio, and the other copy to the clerk of the county of Brooke, for the inspection of the courts of the said counties.

Shall make distinct entries of the lands by them valued.

5. The commissioners for their services in viewing and valuing the said lands, and for entering the same in their books, and making three copies as aforesaid, shall be allowed by the courts of the said counties of Ohio and Brooke, at the rate of six shillings per day, each; to be levied by the said courts, on the landholders of the said counties, in proportion to the present assessment of the lands therein.

Commissioners—their daily compensation, &c.

CHAP. 64.—An ACT vesting in Rudolph Huffer a piece of land therein mentioned.

(Passed December 12, 1796.)

Be it enacted by the general assembly, That the fee simple estate of, and in a ten feet ally, as laid down in the plan of, and belonging to the town of Charlestown, in the county of Ohio, leading from Federal street in the said town, to the bank of Buffaloe creek, be, and is hereby vested in Rudolph Huffer, and his heirs, in lieu of, and in exchange for the same quantity of his lot adjoining the said ally, which has been appropriated to the benefit of a bridge built near the said town, and over the said creek.

The fee simple in a piece of ground herein described, vested in Rudolph Huffer.

CHAP. 65.—An ACT for continuing Mary Boush on the list of pensioners.

[Passed December 20, 1796.]

Mary Boush continued a pensioner.

1. *Be it enacted by the general assembly*, That the pension allowed to Mary Boush, widow of Goodrich Boush, by the executive, in pursuance of an act of assembly passed in the year one thousand seven hundred and ninety, authorizing them so to do, shall be continued to the said Mary for and during her life.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 66.—An ACT to incorporate a library company in the county of Loudoun.

(Passed December 24, 1796.)

Library society incorporated with privileges and authority as herein.

1. *Be it enacted by the general assembly*, That the library society formed in the county of Loudoun, are hereby incorporated by the name of "The Short Hill Library Company," with power and authority to establish such rules and regulations among themselves, for obtaining and preserving books, and the government of their members, and to impose such pecuniary penalties, not exceeding twenty dollars, on delinquent members, as to them, or a majority of them, from time to time shall seem expedient and proper.

Officers of the society.

2. The officers of the said company shall consist of a president, vice president, treasurer, and librarian.

Treasurer may obtain judgment against delinquents on motion.

3. The treasurer, whenever any member shall have failed to pay his contribution agreeably to the regulations of the company, shall and may obtain judgment and execution against the delinquent, for the benefit and use of the company, by motion in the court of the said county of Loudoun: *Provided*, The party has ten days previous notice of every such motion. The treasurer before he enters on the duties of his office, shall give bond with approved security, payable to the president of the said company, for the time being, and his successors, in the penalty of one thousand dollars, conditioned, that he shall well and faithfully collect all monies as shall become due to the said company, and account for the same when thereto required, and to the best of his power, procure such books with the said monies as the said company, from time to time, shall direct to be purchased; which bond may be prosecuted as often as delinquencies shall happen.

And shall give bond for the due discharge of his duty in office.

Librarian answerable for and chargeable with loss of books.

4. The librarian shall be answerable for the safe custody of all books whilst in his possession, and shall forfeit and pay the value of any book by him injured, lost or destroyed, or the value of the edition of which such book constituted a part, (as the case may be) to be recovered by motion in the name of the treasurer as before directed respecting the contributions of members.

Penalties incurred by members recoverable in name of treasurer.

5. All penalties imposed by the said company on members, for the value of books by them injured, lost or destroyed, or for breach of any regulation of the said company, shall be recovered in the name of the treasurer in manner aforesaid.

Proviso.

Provided always, That where the sum or penalty in any case contained in this act shall be under five dollars, the same shall be recovered by warrant before a magistrate.

CHAP. 67.—An ACT concerning Anthony Street.

(Passed November 22, 1796.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts be, and he is hereby authorized and directed to issue to Anthony Street, deputy of Henry Stokes, sheriff of Lunenburg county, during the years one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, and hath paid the whole amount of the revenue due from the said county for the said years into the public treasury, a warrant for eighty-four dollars and fifty cents, being the amount of the premium of two and an half *per centum* on the amount of the taxes due from the said county for the said years, which was allowed to sheriffs making punctual payments of the revenue into the treasury, during their respective terms of office, by an act passed at the last session of assembly, intituled, "*An act to amend the act, to reduce into one all the acts and parts of acts relating to the appointment and duties of sheriffs.*"

A sum of money directed to be paid the sheriff of Lunenburg county.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 68.—An ACT concerning Nicholas Vanstaphurst, Jacob Vanstaphurst, and Nicholas Hubbard.

(Passed December 23, 1796.)

Whereas it is represented to be the earnest desire of Nicholas Vanstaphurst, Jacob Vanstaphurst, and Nicholas Hubbard, now or late inhabitants of Holland, to become citizens of this commonwealth, and they appear to have a title to the favor thereof: Preamble.

1. *Be it therefore enacted by the general assembly*, That it shall be lawful for the said Nicholas Vanstaphurst, Jacob Vanstaphurst, and Nicholas Hubbard, and each of them, to acquire, purchase, and hold in fee simple, or for any lesser estate, any lands, tenements, or hereditaments, within the same, and to convey, dispose of by deed or will, or transmit, in case of intestacy, any estate so acquired or purchased, by virtue of their respective rights and interests, in the same manner as any citizen of this commonwealth may or shall, from time to time, be able to do according to law; and moreover, to enjoy all the benefits, immunities, and privileges of citizens within this commonwealth, so far as they may, by this legislature, be constitutionally granted. Rights of citizenship granted to the persons herein named.

2. *And be it further enacted*, That the wives and children of the said Nicholas Vanstaphurst, Jacob Vanstaphurst, and Nicholas Hubbard, respectively, shall be considered as enjoying all the rights, privileges, immunities, and benefits herein before given to themselves. Same rights extended to their wives and children.

CHAP. 69.—An ACT to authorize Carter Beverley to build a toll bridge over the north branch of Rappahannock river.

(Passed November 29, 1796.)

1. *Be it enacted by the general assembly*, That it shall be lawful for Carter Beverley, his heirs and assigns, to erect a bridge from his land in the county of Culpeper, at the place called Beverley's ford, over the north branch of Rappahannock river, to the land of William Knox. Privilege to erect a toll bridge.

2. So soon as the said bridge shall be completed, it shall be lawful for the said Carter Beverley, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person Tolls and rates for passing the same.

or thing, that is to say: For a man five cents, and for a horse the same; and for the passage of wheel carriages, tobacco, cattle and other beasts, over the said bridge, the said Carter Beverley, his heirs and assigns, may demand and take the following tolls, that is to say: For every coach, chariot, four wheel chaise, or waggon, and the driver thereof, the same as for six horses; for every cart, two wheel chaise, or chair, the same as for two horses; for every hogshhead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage for one horse; and for every hog, one fourth part of the ferriage for one horse, and no more.

Penalty on collector of such tolls for exacting more.

3. If the collector of tolls at the said place shall demand and receive from any person greater rates than are hereby allowed, for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and ten shillings, to be recovered with costs before a justice of the peace of the said county.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 70.—An ACT concerning Samuel Griffin.

[Passed December 19, 1796.]

Auditor directed to issue warrants for the interest on principal money due the person herein named.

1. *Be it enacted by the general assembly*, That the auditor of public accounts shall be, and he is hereby authorized and required to issue to Samuel Griffin in person, or by attorney, a warrant or warrants for interest at the rate of six *per centum per annum*, on the sum of five hundred and thirteen dollars and thirty-four cents, from the seventeenth day of August, in the year one thousand seven hundred and eighty-four: *Provided*, That the interest in this act mentioned shall be considered as growing out of and due for a piece of land appropriated to public use, and valued by a jury to the sum of one hundred and fifty-four pounds, being the same piece of land whereon the capitol now stands.

Proviso.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 71.—An ACT to amend the act appropriating money for repairing the road leading from Savage river to Morgantown.

(Passed December 14, 1796.)

Preamble.

Whereas an act, intituled, "*An act for repairing a waggon road from Savage river to Morgantown*," passed the twenty-third day of December, one thousand seven hundred and ninety-five, appropriating a sum of money, not exceeding the sum of five hundred dollars, to be disposed of by commissioners therein appointed; and as labour cannot be easily obtained without ready money:

Auditor to issue the money appropriated by the above recited act, to Wm. McCleery, on his giving bond.

1. *Be it therefore enacted*, That it shall be lawful for the auditor of public accounts, and he is hereby required to issue to William McCleery, one of the commissioners named in the above recited act, a warrant on the treasurer of this commonwealth, for the sum of five hundred dollars, on his giving bond and security to the governor of this commonwealth, for the prompt and faithful application of the money to the purposes specified in the act above recited.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 72.—An ACT for selling the lot and ruins of the work house in the parish of Elizabeth river.

(Passed December 29, 1796.)

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the court of hustings for the borough of Norfolk, to appoint three commissioners, with full power to them, or any two of them, to sell and dispose of at public auction, for ready money, the lot and ruins of the work house belonging to the parish of Elizabeth river, and to divide the money arising from the sale thereof, among the inhabitants of the said borough, and those of Tanner's creek precinct, according to the number of tithes in each place, in the year one thousand seven hundred and seventy-four.

Commissioners for selling the lot and ruins of Elizabeth river work house, how appointed, and proceeds thereof, how distributed.

2. *And be it further enacted*, That such part of the proceeds of the sale to which the inhabitants of Tanner's creek may be entitled, shall be appropriated towards finishing the chapel lately built at the cross roads in the parish aforesaid: *Provided*, The proprietors thereof, and of the land on which it stands, shall convey the same in trust to the use of the inhabitants of the said parish; otherwise such share of the said proceeds shall be applied towards keeping in repair the roads and bridges within the said precinct.

Appropriation of proceeds allotted the inhabitants of Tanner's creek.

3. *And be it further enacted*, That the share to which the borough of Norfolk may be entitled, of the proceeds of the sale aforesaid, shall be appropriated to the benefit of the work house lately built in the said borough by the mayor, recorder, and aldermen thereof.

Appropriation of the share belonging to the borough of Norfolk.

4. The money arising from the sale hereby directed, shall by the said commissioners be paid to such person or persons as may by the court of the county of Norfolk, be authorized to receive and appropriate the same.

Money produced by sale, how and to whom paid.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 73.—An ACT for repairing the waggon road from the town of Lewisburg, in Greenbrier county, to the Kanawha river.

(Passed December 21, 1796.)

Whereas it is represented to this present general assembly, that the road leading from the town of Lewisburg, in the county of Greenbrier, to the river Kanawha, in the county of Kanawha, is fallen into decay, and as the said road passes for a great length through a country wholly uninhabited, cannot be kept in repair by the ordinary methods of repairing roads: And whereas it is represented that the said road hath been of public utility, as affording a high and convenient way to travellers passing to the western countries, it is judged expedient that the same be kept in repair:

1. *Be it enacted by the general assembly*, That Thomas Edgar, William Hamilton, William Morrow and Samuel McClung, of Greenbrier county, William Morris, senior, David Milburn, Jonn Moss, John Jones and Philip Durtin, of Kanawha county, shall be, and they are hereby appointed commissioners, who, or a majority of them, are authorized and empowered to contract and agree with some fit person or persons for repairing the said road from the house of Hugh Ballentine, in Greenbrier county, to the head of Morres's creek, in Kanawha county, upon the best terms that can be obtained. The said commissioners, on letting the repairing of the said road, shall take a bond or bonds, with sufficient security,

Persons appointed commissioners, and a majority authorized to proceed to the execution of this act as herein directed.

for the faithful performance of the said work, within such time and in such manner as the same shall be undertaken to be done and performed.

Appropriation of money to complete the work.

2. *And be it further enacted*, That a sum not exceeding five hundred dollars, be granted for the purposes of repairing said road on the undertaker's completing the same, to be certified under the hands and seals of the said commissioners, or a majority of them, stating the undertaker's name, the sum for which the said road was let, and that the same is performed according to contract, to the auditor of public accounts, who shall thereupon issue a warrant or warrants in his or their favor on the treasurer of this commonwealth for the money which shall be due, not exceeding the sum of the said five hundred dollars, to be paid out of any money in the treasury.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 74.—An ACT to amend the act, intituled, "An act to alter the boundary line, of the counties of Botetourt, and Montgomery."

(Passed December 7, 1796.)

An act herein recited repealed, and certain boundary lines of Botetourt and Montgomery ascertained.

Be it enacted by the general assembly, That so much of the act of the last session, intituled, "An act to alter the boundary line of the counties of Botetourt and Montgomery," as relates to the boundary from John Glen's, on the Catawba creek, to the line of Greenbrier county, is hereby repealed; and that instead thereof the said boundary shall begin at Glen's house, on Catawba creek, thence a straight course to Peck's mill on Sinking creek, thence a straight course to John Champ's lower plantation, on John's creek, thence the same course, to the top of Peter's mountain, on the Greenbrier line.

CHAP. 75.—An ACT for paying to the administrator and administratrix of Thomas Elder, deceased, the money produced by the sale of his lands, for the purposes therein mentioned.

(Passed December 12, 1796.)

Preamble.

Whereas it is represented that Thomas Elder, late of Henrico county, died, leaving sundry debts unpaid, and seized of certain lands which remaining undevise by his will, escheated to the commonwealth, and have been sold according to law:

Proceeds arising from sale of certain escheated property directed to be restored, how to be applied, &c.

Be it therefore enacted by the general assembly, That the treasurer be, and is hereby required and directed, after deducting from the proceeds of the sale or sales of the said lands, which have been or may be paid into the treasury, all lawful costs and charges, allowed or paid on account of such sale or sales, to pay to John Potts, and Anna Evans, administrator, and administratrix, with the will annexed of the said Thomas Elder, deceased, the balance remaining of the said proceeds, which shall be by them in a due course of administration applied to the payment of the debts of the said Thomas Elder, deceased, and after such application, should there then remain a surplus of the proceeds aforesaid, that the same may be retained by the said Anna Evans, as a retribution for certain personal property devised to her by the said Thomas Elder, which has been sold for the payment of his debts.

CHAP. 76.—An ACT for paying the officers of the general assembly for their services during the present session.

(Passed December 24, 1796.)

1. *Be it enacted*, That the allowances to the officers of the general assembly for their services during the present session, shall be as followeth, that is to say: To the chaplain twenty dollars *per* week; to the clerk of the house of delegates, one hundred and forty-five dollars *per* week; to the clerk of the senate, seventy-two dollars and fifty cents *per* week; to the clerk of the several committees of propositions and grievances and of privileges and elections, forty dollars *per* week; to the clerk of the several committees of religion and claims, forty dollars *per* week; to the clerk of the committee for courts of justice, forty dollars *per* week; to the sergeants at arms to the senate and house of delegates, each, thirty-seven dollars *per* week; to each of the door keepers of the senate and house of delegates, twenty-one dollars *per* week; to Thomas Nicolson for printing the journals of the senate, one hundred and seventeen dollars; and to the person who cleans the capitol, the sum of thirty-four dollars.

Allowances to the officers of the general assembly for their services during the present session.

2. *And be it further enacted*, That the clerk of the house of delegates shall be the keeper of the rolls during the recess of the assembly, and shall for that service and for superintending the printing of the laws, receive the sum of two hundred dollars *per annum*.

Clerk of H. D. appointed keeper of the rolls.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 77.—An ACT authorizing Peter Caverley to lease, for the benefit of the orphans of David Arell, certain lots whereof he died seized, in the town of Alexandria.

(Passed December 10, 1796.)

Whereas it is represented, that a certain David Arell, late of the town of Alexandria, departed this life, leaving two infant children by the names of Richard and Christiana, and seized of several lots of land in the said town, which by his will he directed to be granted by his brother Samuel Arell, for the benefit of such children; that the said Samuel Arell hath since died, without complying fully with the directions aforesaid:

Preamble.

Be it therefore enacted by the general assembly, That Peter Caverley, who hath been duly appointed guardian of the said children, be, and is hereby authorized and empowered, during their minority, to grant in fee, or for a shorter time, if he shall think proper, all and every such lot or lots, agreeably to the directions of the will of the said David Arell, as were not granted by the said Samuel Arell at the time of his death; reserving the best rent he can obtain for the same, to the said Richard and Christiana, and their heirs respectively, according to the will of the said David Arell.

Guardian of the children authorized to dispose of the lots herein according to the will of the ancestors.

CHAP. 78.—An ACT to authorize a lottery in the county of Shenandoah.

(Passed December 10, 1796.)

Be it enacted by the general assembly, That it shall and may be lawful for Joseph Stoner, Philip Spangler, Samuel Croudson, Adam Heiskill, Michael Shugart, Jacob Lambert, and Daniel Trout, gentlemen, commissioners, or a majority of them, to raise, by lottery,

Lottery for completing a Lutheran church in the town of Strawsburg, managers thereof, and sum to be raised.

the sum of two thousand dollars, to be by them applied towards completing a Lutheran church in the town of Strawsburg and county of Shenandoah.

CHAP. 79.—An ACT to authorize one or more lotteries in the borough of Norfolk.

[Passed December 7, 1796.]

Lottery in Norfolk, managers thereof, and sum to be raised.

1. *Be it enacted by the general assembly*, That it shall be lawful for the mayor and commonalty of the borough of Norfolk, to raise by one or more lotteries, the sum of ten thousand dollars, to be by them applied towards paying the expense of paving the streets in the said borough.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 80.—An ACT to authorize a lottery for the benefit of the sufferers by fire in the town of Lexington.

(Passed November 19, 1796.)

Lottery in the county of Rockbridge, managers thereof, and sum to be raised.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for Henry Lee, Edward Carrington, Bushrod Washington, James Heron, Robert Gamble, John Hopkins, James Wood, John Steele, James Breckenridge, Thomas Madison, Wilson C. Nicholas, John Preston, William Caruthers, Archibald Stuart and James Caruthers, gentlemen, or a majority of them, to raise, by lottery, the sum of twenty-five thousand dollars, to be by them, or a majority of them, applied towards defraying the expense of rebuilding the houses consumed by fire in the town of Lexington, and county of Rockbridge, in the month of April last, in proportion to the loss sustained by the proprietors of the said houses respectively.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 81.—An ACT to authorize a lottery in the town of Petersburg.

(Passed December 13, 1796.)

Lottery in the town of Petersburg, managers thereof, and sum to be raised.

1. *Be it enacted by the general assembly*, That it shall be lawful for Christopher McConnico, James Campbell, Robert Bolling, Robert Moore, Edward Jeffers, James Cureton, George K. Taylor, Peterson Goodwyn and Alexander McRae, gentlemen, commissioners, or a majority of them, to raise by one or more lotteries, the sum of four thousand dollars, for the purpose of defraying the expense of erecting a stone or brick bridge, and improving the causeway between Bollingbrook and Blandford.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 82.—An ACT to raise by lottery, a sum of money for the use of the New London academy.

[Passed November 21, 1796.]

Lottery in the town of New London, managers thereof, and sum to be raised.

1. *Be it enacted by the general assembly*, That it shall be lawful for the trustees of New London academy, to raise by lottery the sum of ten thousand pounds, for the purpose of defraying the expense of erecting additional buildings for the use of the said academy, and establishing permanent funds, for the support of the said academy.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 83.—An ACT to authorize a lottery for clearing Roanoke river.

(Passed December 18, 1796.)

1. *Be it enacted by the general assembly*, That it shall and may be lawful for Berryman Green, David Bates, William McCraw, John B. Scott, Jacob Faulkner, Isaac Oakes and John Faulkner, gentlemen, commissioners, or a majority of them, to raise by lottery, the sum of five hundred pounds, to be by them, or a majority of them, applied towards clearing Roanoke river, in manner prescribed by the act, intituled, "*An act to amend the act, intituled, 'An act for clearing Roanoke river,'*" passed in the year one thousand seven hundred and ninety.

Lottery for clearing Roanoke river, managers thereof, and sum to be raised.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 84.—An ACT authorizing a lottery in the county of Gloucester.

(Passed December 1, 1796.)

1. *Be it enacted by the general assembly*, That it shall be lawful for Elkenah Talley, Matthew Anderson, Mann Page, junior, Peter P. Whiting, George Booth, Richard Baynham, Francis Whiting, Philip Tabb, Thomas Lewis, John Sewell, John Hughes, James Baytop, John Page, Samuel Cary, Lewis Burwell, John Catlett, Thomas Baytop, John Lewis, Thomas Whiting and William Hall, gentlemen, commissioners, or a majority of them, to raise by lottery the sum of two thousand dollars, to be by them applied towards erecting an academy, on the glebe land of Ware parish, in the county of Gloucester.

Lottery in the county of Gloucester, managers thereof, and sum to be raised.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 85.—An ACT to authorize a lottery for the purpose of repairing certain roads.

(Passed December 2, 1796.)

1. *Be it enacted by the general assembly*, That it shall be lawful for Isaac Hite Williams, Jonathan Davies, George Harness, junior, Cuthbert Bullitt, Alexander King, Hugh Holmes, James Singleton and John Jack, gentlemen, or a majority of them, to raise by one or more lotteries, a sum of money sufficient to defray the expense of repairing the state road from Morgan's town, by the way of Romney, to Winchester; and also for repairing the road from Morgan's town, by Hardy courthouse, through Duck creek gap to Winchester; and also for repairing the road leading from John Goff's on the Randolph road, into the state road aforesaid, in such manner as the said commissioners, or a majority of them, shall judge most proper: *Provided*, That the sum of money to be raised for the purpose in this bill mentioned, shall not exceed six thousand dollars.

Lottery for repairing the state road from Romney to Winchester, &c managers thereof, and sum to be raised.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 86.—An ACT to form into a district the counties of Hardy, Hampshire and Pendleton.

(Passed December 20, 1796.)

Whereas the great increase of business in the court for the district composed of the counties of Frederick, Berkeley, Hampshire, Hardy and Shenandoah, render the difficulties in obtaining justice

Preamble.

therein so considerable, as to amount to a tacit denial thereof: And whereas the inhabitants of the county of Pendleton suffer great inconvenience in having to attend the district court directed to be held at Staunton: For remedy whereof,

Counties of Hardy, Hampshire and Pendleton formed into a district, and court thereof when holden.

1. *Be it enacted by the general assembly,* That the counties of Hampshire and Hardy shall be taken from the district of Winchester, and the county of Pendleton from the district of Staunton; and that the said counties of Hampshire, Hardy and Pendleton, shall compose a separate and distinct district, and a court shall be holden for the same at the courthouse in the said county of Hardy, by the judges now or hereafter to be allotted to the districts of Winchester and Morgantown, on the fifth day of May and the fifth day of September in every year, in like manner as other district courts, and shall sit if the business require it, ten juridical days and no longer.

Jurisdiction of the court.

2. The said court shall have the like jurisdiction over all causes, persons, matters and things, as is given by law to other district courts within this commonwealth.

Court for district of Morgantown when holden.

3. The court of Morgantown district shall hereafter be held on the fifteenth day of May and the fifteenth day of September in every year; and if any of the days herein appointed for holding a district court shall happen on a Sunday, such court shall begin on the succeeding day.

Clerk of Hardy district, how appointed, his fees, &c.

4. The judges now allotted to the districts of Winchester and Morgantown, shall immediately, by commission under their hands and seals, appoint a proper person as clerk of the court hereby established, who, after taking, before some court of record, the oath of fidelity to the commonwealth, and the oath required to be taken by clerks of courts, adapting the same to the district court, shall in all respects be capable of executing the duties of his office, and shall be allowed the same fees for his services as clerks of other district courts.

Duties of the clerk, and vacancy in the clerkship how supplied.

5. The clerk so to be appointed, shall at the first court to be holden for his district, after his appointment, produce a certificate of his qualification as aforesaid, which shall be entered of record in his court, and shall, during the session of such court, enter into such bond as is required of other clerks of district courts; and in case of a vacancy thereafter in the office of clerk of the court hereby established, the same shall be supplied in the manner directed in similar cases.

Certain causes to be removed into the court of the new district, &c.

6. Such causes depending in the courts of the districts of Winchester and Staunton at the commencement of this act, as, agreeably to the intention thereof, ought to be removed into the court of the new district, shall, by the clerks of the first mentioned courts, be arranged according to such new district, taking for their rule the county in which the original or other writ hath been executed; and where the same has not been served, the county to which the same was last directed, or from which judgments or orders shall have been removed, and with the papers therein delivered by them to the clerk so to be appointed, together with a state of the costs which may have accrued in each suit to the time of such delivery, and all other cases not coming within the said rule, the said clerks shall judge of, and act in, according to the meaning of this act, in such manner as to them shall seem right.

A list of causes so removed to be af-

7. And on such causes and papers being delivered to the clerk of the new district, as hereby directed, he shall proceed therein ac-

cordingly; and shall moreover, at least one month before the time ^{fixed at court-}
 appointed for the session of his court, post up a list of the causes ^{house doors.}
 so transmitted to him, at the door of each courthouse in his district.

8. This act shall be in force from and after the passing thereof. Commencement.

RESOLUTIONS.

IN THE HOUSE OF DELEGATES,

FRIDAY, November 18th, 1796.

Resolved, That the object of the petition of the inhabitants of the counties of Halifax, in this commonwealth, and Caswell, in North Carolina, is materially interesting to the two states; and that the commonwealth of Virginia will cheerfully enter into a joint system to effect the same; to arrange which, that the following gentlemen, George Carrington, John B. Scott, Richard N. Venable, Henry E. Coleman and Clement Carrington be appointed—any three of whom shall have authority to wait on the governor of North Carolina, and enter into proper mutual stipulations for improving the navigation of the river Roanoke, subject to the consideration of the respective legislatures.

November 24th, 1796—Agreed to by the senate.

MONDAY, December 26th, 1796.

Resolved, That Thomas Jefferson, John Marshall, Edmund Randolph, Robert Brooke, Ludwell Lee, Bushrod Washington and John Taylor, (of Caroline) Esquires, be appointed, and any four of them correspond with the commissioners appointed by the state of Maryland for the purpose of obtaining full information respecting the claim of the said state; and that they be requested to report to the general assembly at their next session, all facts and documents which relate to the boundary line between the state of Maryland and this commonwealth, referred to in the resolution of the legislature of that state on the twenty-first day of December, 1795.

Resolved, That the executive be requested to inform the executive of the state of Maryland, that measures have been directed for the purpose of collecting for the information of the general assembly at their next session, the facts and documents which relate to the boundary line mentioned in the resolution of the legislature of that state, and that every exertion will be used to carry into effect the object of the said resolution in a friendly manner.

December 26th, 1796—Agreed to by the senate.

TUESDAY, November 15th, 1796.

Resolved, That the executive do proceed to execute the act, intitled, "*An authorizing the executive to procure arms for the defence of the commonwealth*," in the mode which they may think most consonant to the public interest.

November 19th, 1796—Agreed to by the senate.

SATURDAY, December 17th, 1796.

Resolved, That the petition of William F. Gaines and Matthew Page, junior, executors of Robert Page, deceased, praying that the damages on two judgments obtained by the commonwealth against William Anderson, deceased, in his lifetime, may be remitted, is reasonable: *Provided*, The principal, interest and costs of the said judgments be paid into the treasury, on or before the last day of December next. And for the further relief of the said estate, Benjamin Temple, William Pollard, Thomas Tinsley and Benjamin Oliver, are appointed commissioners to superintend a sale of such estate of the said Robert Page, as shall be produced by his executors, upon a credit of six months, taking bond and such security as the said commissioners or any two of them may approve, for the faithful payment of the money therein mentioned, within six months from the date of such bonds, with an interest at the rate of six *per centum per annum*, upon the amount of such principal; and that the bonds so to be taken shall have the force of replevy bonds, and in all respects be proceeded on in like manner as such bonds are directed to be proceeded on by the laws of this commonwealth: *Provided also*, That such bonds shall be taken and made payable to the treasurer of this commonwealth for the time being, and his successors, and be in discharge for so much of a judgment obtained by the commonwealth against William Anderson and his securities, which bonds the said commissioners are directed to deposit with the treasurer.

Resolved, That the petition of sundry persons inhabitants of the county of Charles City, praying that a fine imposed on them by the district of Williamsburg, for stopping a herd of distempered cattle (the property of a certain Mr. Radford, which he was driving through their neighbourhood) may be remitted, is reasonable.

December 23d, 1796—Agreed to by the senate.

TUESDAY, December 27th, 1796.

Resolved, That the executive be requested to take such measures respecting the suit brought by the Indiana company, against this state, in the supreme federal court, as may seem to them most conducive to the honor and interest of this commonwealth, and to draw such sums of money from the treasury as may be necessary to effect the object of this resolution.

December 27th, 1796—Agreed to by the senate.

MONDAY, December 26th, 1796.

Resolved, That the letter of Matthew Clay, esquire, and its inclosures, relative to a tract of land located by General George Rogers Clarke in trust for this state, within the limits of the state of Kentucky, be referred to the executive, who are requested to lay the same before the attorney general, for his opinion; and to

pursue such measures as to them shall seem adviseable for the interest of this commonwealth, and to make report to the next general assembly, that provision may be made for the expense to be incurred.

Provided, That the executive, in case they deem it necessary for the payment of taxes, be requested to borrow from the treasurer, such sum of money as may be required to be advanced for the object aforesaid, previous to the ensuing session of assembly.

December 26th, 1796—Agreed to by the Senate.

WEDNESDAY, December 23d, 1796.

Resolved, That the executive be requested to examine the military and militia certificates, and other vouchers remaining in the treasury, which were admitted by Jaquelin Ambler agreeably to law, in discount for paper money transactions; to compare the said certificates and other vouchers with the receipts, and if found to correspond therewith, that they cause the said certificates and other vouchers to be burnt, and certify the amount thereof to the next session of assembly.

December 24th, 1796—Agreed to by the senate.

TUESDAY, December 13th, 1796.

Resolved, That the executive be, and they are hereby directed to proceed in the execution of a resolution entered into by the general assembly, on the 25th day of December, 1795, relative to the boundary line between the state of Kentucky and this state, and that for this purpose, they propose to the government of Kentucky, another meeting of the commissioners, invested with powers to recommend to their respective governments any amicable adjustment of the difficulty which shall, in their judgments, comport with the real intention of the papers and documents relating to it, or which they may think just and equitable.

Resolved, That it be proposed to the legislature of the state of Kentucky, that mutual laws, on the part of the two states should be passed, for the confirmation of all titles to lands appropriated by individuals under a mistake as to the said boundary line on either side thereof, in like manner as if such appropriations had been regularly and legally made.

December 15th, 1796—Agreed to by the senate.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY, THE FOURTH DAY OF DECEMBER, ONE THOUSAND SEVEN
HUNDRED AND NINETY-SEVEN.

CHAP. 1.—An ACT laying taxes for the year one thousand seven hundred and
ninety-seven.

(Passed January 22, 1798.)

1. *Be it enacted by the general assembly*, That the public taxes Taxes on lands, slaves, and other property. for the year one thousand seven hundred and ninety-seven, shall be as follows, to wit: on lands, for every hundred dollars value, agreeable to the equalizing law, thirty-eight cents; for every slave above the age of twelve years, (except such as have been, or shall be exempted by reason of age or infirmity, by the respective county or corporation courts) thirty-five cents; for every stud horse and jack ass, the price at which such horse or ass covers a mare the season; for all other horses, mules, mares, and colts, nine cents each; for every ordinary license, ten dollars; for all lots and houses in towns, four dollars and seventeen cents, on every three hundred and thirty-three dollars and thirty-four cents of the rent thereof, to be ascertained by the rent paid by the tenant; and where such house or lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the commissioners of the revenue or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house Proviso. or lot, if he thinks himself aggrieved by such valuation, may appeal to the court, by whom the commissioners were appointed, whose judgment as to the yearly rent or value, shall be final.

2. The said commissioners or either of them, to ascertain the Mode of ascertaining rents in certain cases. rent paid on houses or lots actually leased, may call on the tenant, or proprietor, to declare upon oath, or solemn affirmation, what is the amount of rent paid for the same; and every person so called upon and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, to be made by the commissioners of the revenue, or either of them: for every four wheel riding carriage, except phaetons and

stage waggons, one dollar per wheel; for all phaetons and stage waggons, sixty-seven cents per wheel; for every other riding carriage with two wheels, thirty-four cents per wheel: *Provided*, That no tax shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning.

Tax on law process and appeals, and how collected.

Penalty on defaultant clerks.

Tax on surveyors' certificates, notarial attestations, &c. and how collected.

Licenses to merchants to sell goods, how obtained, and tax thereon.

3. *And be it further enacted*, That the following tax on law process shall be paid: on each writ or declaration in ejectment, instituting a suit in the district court, or subpœna in the high court of chancery, the sum of one dollar; on each appeal to the high court of chancery, two dollars: on each writ of error, *supersedeas*, and *habeas corpus cum causa*, filing any record of appeal on appeals to a district court, or to the high court of chancery, and on each writ of *certiorari* issued from the general court, a district court, and high court of chancery, one dollar; the said taxes shall, by the respective clerks, be taxed in the bill of costs; and if any clerk shall fail to pay the amount of any judgment obtained against him for the use of the commonwealth, within sixty days after he shall have received notice thereof, the auditor shall transmit to the court, of which the person so failing is clerk, the said notice, and his certificate of such failure, which shall be by the said court admitted to record, from which time until it shall appear by a certificate of the auditor, to be also recorded, that such judgment is discharged, it shall not be lawful for the said clerk to charge, collect, or receive any fees whatsoever; on each certificate, under the seal of any county or corporation court, there shall be paid a tax of one dollar. No writ of subpœna, or any writ of error, *supersedeas*, *certiorari*, or *habeas corpus cum causa*, shall be issued or declaration in ejectment filed by any clerk, unless the taxes hereby imposed thereon, be first paid down. In all appeals, no transcript of the record shall be delivered to the appellant by the clerk of the court, or forwarded by him to a superior court, before the taxes thereon be paid, nor shall any certificates under the seal of any county or corporation court, be granted, until the tax thereon shall have been first paid to the clerk keeping such seal. There shall be paid forty-two cents for every transfer of a surveyor's certificate for land, to be collected by the register of the land office, before the issuing of the patent. For every attestation, protestation, and all other instruments of publication, from a notary public, under his seal of office, fifty cents, to be collected and accounted for by the said notary public, and one dollar for each certificate, under the seal of the commonwealth, to be collected by the clerk of the council, before the delivery of such certificate; which last mentioned taxes, shall be accounted for, and paid in like manner, and with the like commissions, for collecting, as is directed in the case of other taxes imposed by this act.

4. *And be it further enacted*, That upon any person producing a receipt to the commissioners of the tax for the sum of forty dollars, paid to the sheriff or collector, on or before the first day of May next, such commissioner may grant to such person, a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months, or if the said receipt shall be for fifteen dollars, such person in like manner shall receive a license to retail such goods for the same time; and if any person shall sell such merchandize, either by wholesale or retail, during twelve months from the date aforesaid, without having ob-

tained such license, such person shall forfeit and pay five hundred dollars, to be recovered by the commissioner, by motion in any court of record, on ten days notice, and to be paid to the sheriff, for the use of the commonwealth, of which said license and fines, if any are recovered, the commissioners shall annually, in their books, return a list to the auditor of public accounts, specifying names, which shall be good evidence whereupon to charge the sheriff or collector: *Provided nevertheless*, That not above one tax shall be paid on account of so selling, at one and the same store. Proviso.

5. And for the more effectual collection of the said taxes, and others which may by law become due to the commonwealth, *Be it further enacted*, That no notice shall hereafter be necessary to any collector, sheriff, clerk, or inspector for the purpose of recovering a judgment for any taxes, fine, or public dues of any kind, but that the same may be recovered by the auditor, on motion, without notice, provided such motion is made within twelve months after such taxes, fine, or public dues, shall become payable, or shall be incurred. Necessity of notices of motions for judgments against sheriffs, &c. done away.

6. No sheriff or other collector shall, at any time, be allowed to return any list of insolvents, or have any credit therefor, after twelve months shall have expired from the period of the taxes becoming payable by such sheriff or collector, to which such list relates. Time allowed to return insolventcies.

7. The commissioners of the tax shall hereafter, in their books or lists of taxables, specify opposite to each person's name, in a column for that purpose, the amount of the tax owing by such person for the land, or other property therein charged to him. Commissioners to state tax due from individuals.

8. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 2.—An ACT to amend the act, intituled, “An act to prevent unlawful gaming.”

(Passed January 19, 1798.)

1. *Be it enacted*, That all monies exhibited for the purpose of alluring persons to bet against, at any game, and all monies actually staked or betted whatsoever shall be liable to seizure by any magistrate or magistrates, or by any other person or persons under a warrant from a magistrate, wheresoever the same may be found; and all such monies so seized shall be accounted for and paid by the person or persons making the seizure to the court of the county or corporation wherein the seizure shall be made, and applied by the court in aid of the levies and poor rates, deducting thereout fifty per centum upon all monies so seized, to be paid to the person or persons making the said seizure. Monies exhibited for the purpose herein mentioned, liable to seizure.

2. *And be it further enacted*, That all billiard tables shall be liable to be seized and publicly burnt or destroyed, in the same mode as A B C, and other gaming tables may be destroyed under the eleventh section of the act, intituled, “An act reducing into one the several acts to prevent unlawful gaming.” Billiard tables, &c. may be seized and burnt.

3. Any person whatsoever who shall suffer the game of billiards, or any of the games played at the tables commonly called A B C, E O, or faro bank, or any other gaming table, or bank of the same or the like kind, under any denomination whatever, to be played in his or her house, or in a house of which he or she hath at the time the use or possession, shall, for every such offence, forfeit and pay the sum of one hundred and fifty dollars, to be recovered in any court of record, by any person who will sue for the same. Penalty for permitting games herein mentioned to be played.

Fee to be taxed on judgments for breach of laws against gaming.

Penalty for obstructing seizures of monies under this act.

No release from fines incurred by gaming.

Judges to execute this and other acts against gaming.

This act to be given in charge to grand juries.

Commencement.

4. Whenever a judgment shall be obtained for any fine incurred by a breach of any law for preventing gaming, twenty dollars shall be taxed in the bill of costs for a lawyer's fee.

5. Any person or persons who shall oppose the seizure of any such monies as above described, by any person or persons so authorized to make it, shall be liable to a penalty of fifteen hundred dollars, to be recovered in any court of record, for the use of the commonwealth, and shall be moreover liable to the action of any party grieved by such opposition; and any person or persons who shall take or carry away any part of the said money after the said seizure shall be declared, shall be guilty of a misdemeanor.

6. *And be it further enacted*, That the power of the executive to remit fines on judgments, shall not extend to fines such as may accrue or be imposed in the execution of this or any other act against gaming.

7. *And be it further enacted*, That the judges of the general and district courts, and the said courts, shall be, and they are hereby empowered, to execute this, and all other laws for the purpose of suppressing gaming, as fully as the magistrates of the county courts, and the said county courts, are empowered to execute the said laws.

8. The presiding justice, as well in the district as in all the inferior courts of law in this commonwealth, shall constantly give this act in charge to the grand juries of their courts, at the times when such grand juries shall be sworn.

9. This act shall commence and be in force from and after the eighth day of March next.

CHAP. 3.—An ACT to amend the act for opening and extending the navigation of Patowmac river.

(Passed January 24, 1793.)

Preamble.

Whereas the act, "*For opening and improving the navigation of the river Patowmac, above tide water*," has stipulated, that tolls shall not be received by the company, until the navigation aforesaid, shall be completed down to tide water: And whereas by means of the funds already employed, the said work is in such a state of improvement, as to afford not only considerable advantages to persons navigating the said river above the Great falls, but also by an easy mode a full enjoyment of the benefits contemplated by the said act, may be had: And whereas it is thought just and necessary in consideration thereof, that the said company should be permitted to receive the tolls stipulated by the said act, in order that the company may thereby be aided in carrying into full and complete effect the wise policy of the legislature in this establishment:

Immediate receipt of tolls authorized.

1. *Be it therefore enacted*, That it shall and may be lawful for the said company to demand and receive from all vessels with their cargoes, navigating the said river, at the different places hereinafter mentioned, such tolls as were by the original law passed upon the subject of improving the said navigation, stipulated to be received, that is to say: At or near the mouth of Conigochigue, all such tolls as were stipulated to be received at the mouth of the South branch; and at or near Payne's or Hooke's falls, and at or near the mouth of Watt's branch, or the Great falls, the respective sums that were allowed to be received at each of those places: *Provided*, That all vessels with their cargoes, navigating the said river, between the Great falls and the Little falls, which shall not have passed the

Proviso.

Great falls, shall be subject to pay on passing the locks at the Little falls, a like toll as is paid by vessels with their cargoes at the mouth of Conigochigue or Payne's falls: *Provided nevertheless*, That the said company shall enable those paying toll at the Great falls, by transporting their commodities from the Great falls into the river below, at the expense of the said company, to transport them from thence to tide water, toll free.

2. *And be it further enacted*, That a further time of two years, from and after the expiration of the time already allowed by law, shall be allowed to the said company to complete the navigation of the said river, according to the terms of the original law. And that the president and directors for the time being, shall be authorized to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty, or having them at all affected by any act or acts heretofore passed relative to slaves.

3. This act shall be in force from and after the passing thereof. Commencement.

CHAP. 4.—An ACT to amend the act, intituled, "An act to amend the act, intituled, 'An act to reduce into one, the several acts concerning slaves, free negroes and mulattoes.'"

(Passed January 25, 1798.)

Whereas it is deemed essential to the public safety, that adequate provision should be made by law for the punishment of such free persons as may be guilty of advising or conspiring with any slave, to rebel or make insurrection, or who shall be guilty of plotting with a slave the murder of any person whatsoever.

1. *Be it enacted*, That every free person who shall hereafter advise or conspire with a slave to rebel, or make insurrection, or who shall advise or assist such slave in the murder of any person whatsoever, shall be adjudged a felon, and upon conviction thereof by due course of law, shall suffer death without benefit of clergy.

2. *And be it further enacted*, That all free persons who shall be convicted before any magistrate of a county or corporation court, of harbouring or entertaining any slave without the consent of his or her master, mistress or overseer, shall forfeit and pay immediately the sum of ten dollars to the use of the informer, and in case of failure to make payment thereof, to be required by the magistrate before whom such person shall be brought, to give bond and security for his or her appearance at the next court to be holden for the said county or corporation, and in the mean time to be of good behaviour, or to stand committed until the same shall be performed. And in case the person so offending shall be a free negro or mulatto, and shall be unable to pay the said sum, then to receive such corporal chastisement, not exceeding thirty-nine lashes, as the magistrate shall determine upon.

3. *And be it further enacted*, That in all cases wherein the property of a person held as a slave demanding freedom, shall come before a court for trial, no person who shall be proved to be a member of any society instituted for the purpose of emancipating negroes from the possession of their masters, shall be admitted to serve as a juror in the trial of the said cause: *Provided also*, That every petition or suit instituted for the emancipation of a person held as a slave, shall be tried at the next quarterly or district court succeeding such petition or suit, unless it shall appear to the said

Further proviso.

Further time allowed to complete navigation and power to hire negroes from Maryland.

Preamble.

Free persons convicted of exciting slaves to insurrection or murder, shall suffer death.

Penalty on free persons convicted of harboring slaves.

Penalty on free negroes, &c. guilty of like offence.

Members of societies instituted for emancipating slaves, disqualified as jurors in suits for their freedom.

Proviso.

court, by good cause shewn, that the evidence necessary for the support thereof could not be obtained.

How slaves convicted of felony and making escape, may, if retaken, be identified; shall undergo the sentence of the court, &c.

4. And whereas doubts have arisen whether the powers of the magistrates of county and corporation courts, summoned as courts of oyer and terminer to decide upon the cases of slaves charged with the commission of felony, can extend to the identifying of such slaves, who shall escape after condemnation and before the day of execution, and are retaken, *Be it further enacted*, That in all such cases, it shall and may be lawful for the sheriff to summon the magistrates of the county or corporation, for the purpose of identifying such criminal, in like manner as the court was summoned for his or her trial, and upon such identity being proven, to carry into effect the sentence of the former court, by ordering such farther day for the execution of the said slave, as to them shall seem proper.

Free negroes or mulattoes giving copy of the register of his freedom to a slave, shall be adjudged a felon.

5. And whereas divers free negroes and mulattoes who have been registered and numbered agreeably to the act of assembly in that case made and provided, and who have obtained copies of the said registers as by the said act is required, have granted their said copies to runaway slaves, who by virtue thereof have passed for free men, and have under sanction thereof prevailed on masters of vessels to transport them out of this commonwealth: For remedy whereof, *Be it enacted*, That any free negro or mulatto who shall deliver to any slave the copy of the register of his or her freedom, signed by the clerk of the court with whom the said register was made, on any pretext whatsoever, shall on conviction thereof, be adjudged a felon, and suffer accordingly.

Masters or skip-pers of vessels prohibited from carrying slaves out of the state, without complying with the requisites of this act.

6. No master or skipper of a vessel, shall hereafter transport, or attempt to transport any negro or mulatto out of this commonwealth, on any pretext whatsoever, until he shall have produced the said negro or mulatto before some magistrate of a county, adjoining to the river in which his vessel shall lie, and shall have made out and lodged with the said magistrate, a description of the said negro or mulatto, his or her name, probable age, and alledged place of birth, and a declaration of the place or port to which the said master or skipper may be bound, and until he shall also have produced to the said magistrate the certificate of freedom granted to the said negro or mulatto by the clerk of the court in which he or she was registered, or the written direction of the owner of such negro or mulatto, commanding or permitting such master or skipper to carry him or her out of this commonwealth. And when the said master or skipper shall so have done, it shall be the duty of the magistrate to grant him a written certificate thereof.

Penalty on such master or skipper for violations of this law.

7. Every master or skipper of a vessel neglecting or refusing to perform the requisites by this act imposed, shall forfeit and pay the sum of five hundred dollars, for every negro or mulatto by him so carried or attempted to be carried out of this commonwealth, to be recovered by action of debt by any person who will sue for the same, in which suit the said master or skipper shall give good bail, and shall be moreover liable to the action of the owner of such negro or mulatto, for the value of the negro or mulatto thus carried or attempted to be carried out of the commonwealth.

CHAP. 5.—An ACT enlarging the right of appeals in certain cases.

(Passed January 23, 1793.)

1. *Be it declared and enacted by the general assembly*, That it shall be lawful for the high court of chancery, upon any interlocutory decree, where the right claimed shall have been affirmed or disaffirmed, to grant, in its discretion, an appeal to the court of appeals, if the high court of chancery shall be of opinion, that the granting of such appeal will contribute to expedition, the saving of expense, the furtherance of justice, or the convenience of parties, any law, custom, usage, or construction to the contrary notwithstanding.

High court of chancery may grant appeals upon interlocutory decrees to court of appeals.

2. *And be it further enacted*, That all appeals from the high court of chancery, which were standing on the docket of the court of appeals on the tenth day of October, in the year one thousand seven hundred and ninety-seven, or which were granted therefrom to the term of the court of appeals, commencing in October of the said year, one thousand seven hundred and ninety-seven, shall be considered as depending therein; unless for good cause shewn to the high court of chancery, at the March term thereof, in the year one thousand seven hundred and ninety-eight, and according to the principles of its practice, any cases in which appeals have been entered, and which may have been remitted to the high court of chancery, shall be there retained for further proceedings.

Appeals from high court of chancery on docket of court of appeals, or granted therefrom at certain defined periods as depending therein—*Nisi*, &c.

3. *And be it further enacted*, That upon any interlocutory decree of the high court of chancery, which shall not be appealed from, or upon any such interlocutory decree which shall be appealed from and affirmed, such process of execution shall be awarded as to the high court of chancery, or the judge thereof in vacation, shall seem proper.

Execution may be awarded in vacation on interlocutory decrees.

4. *And be it further enacted*, That it shall be lawful for the judge of the high court of chancery to discharge writs of *ne exeat* in vacation, as in term time: *Provided*, That the party moving for the discharge of any such writ, shall give to the party who obtained it, reasonable notice of the time when such motion will be made.

Writs of *ne exeat* may be discharged in vacation on notice to the party who obtained it.

CHAP. 6.—An ACT to amend the several acts of assembly concerning escheators.

(Passed January 23, 1793.)

1. *Be it enacted by the general assembly*, That whenever the escheator of any county shall proceed to make sale of any land escheated according to the directions of an act, "*Concerning escheators*," and an act, "*To amend an act, entitled, 'An act concerning escheators,'*" for ready money, and any person who may become a purchaser thereof, shall not, on the day of sale, pay to the escheator the whole sum of money by him agreed to be given for such land, or give some satisfactory assurance, that the same will be paid in a few days thereafter, the escheator shall immediately on such failure, on the same day, again expose the same to sale to the highest bidder, for ready money, and at such second sale, the person failing to make payment at the first sale as aforesaid, shall not be admitted or regarded by the escheator as a bidder.

Purchasers of escheated property failing to pay the money, the escheator may resell the same.

2. And whereas doubts have arisen, whether by either of the said recited acts the escheator is authorized to sell the land escheated upon credit, for any time whatever, although in his opinion the same would enhance the value thereof: *Be it further enacted*, That when

Escheator may sell property on credit, taking a deed of trust, bond, &c.

Shall certify the same to the register.

Such deed of trust to be recorded and a copy thereof and of the bond to be transmitted to the auditor.

Duty of escheator if the bond is not discharged.

Escheator shall make return of his proceedings to the auditor; commissions allowed him, &c.

Duty of auditor if sale made under the trust shall not produce the sum due.

Escheators neglecting to account with public, subject to like penalties as sheriffs.

Effect of this upon recited acts.

in the opinion of the escheator of any county, the sale of any escheated land upon credit will greatly enhance the price thereof, he may proceed to sell the same upon such credit as he may think reasonable, not exceeding two years, taking of the purchaser a deed of trust in behalf of the commonwealth, for the lands so purchased, and a bond with sufficient security, bearing interest, to be approved by him, payable to the governor or chief magistrate of this commonwealth, for the time being, and his successors. And the escheator shall, immediately after taking such deed and bond, certify to the register of the land office, the name of the purchaser, and the price by him agreed to be given for such land, and that a deed of trust for the lands so purchased and a bond, with sufficient security, to secure the payment of the purchase money, hath been given by such purchaser; whereupon the register of the land office shall proceed to have a grant executed to such purchaser, in the manner directed by the first recited act.

3. And the escheator shall as soon as possible, have the said deed recorded in the court of the county or corporation wherein the lands lie; and shall transmit to the auditor the said bond and a copy of the deed, to be lodged in his office, and if the purchaser shall fail to pay the purchase money and interest in due time, according to the tenor of the said deed and bond, the said escheator is hereby required forthwith to proceed to sell the lands so conveyed in trust, (having first given four weeks notice of the time and place of such sale, in some public gazette) for ready money, and out of the proceeds of such sale, shall pay into the treasury, the principal money and interest due to the commonwealth, and all costs and expenses incurred in effecting such sale, and the surplus, if any, he shall pay to the original purchaser.

4. And the escheator is hereby required, as soon as may be, to make and return to the auditor, an account of all his proceedings in the sale, and to pay into the treasury the amount of the sale, deducting thereout for his trouble the same commissions as are allowed to sheriffs on sales made under executions; and if the proceeds arising from such sale shall not be sufficient to pay the principal, interest, and expenses of sale, then it shall and may be lawful for the auditor, having given ten days notice to the obligors in the bond, upon motion made in the general court, (which court is hereby authorized and required to render judgment thereon, due notice being proved) to obtain judgment against the said obligors, or such of them as shall have had notice of such motion, for the balance which shall remain unpaid out of the proceeds of the sale of the land conveyed in trust, and all costs attending such motion, upon which judgment, execution shall be issued and levied according to the forms of law in ordinary cases of judgment.

5. And if the escheator shall fail to pay the money into the treasury which he shall receive, upon making sale of any tract of land which shall have escheated to the commonwealth as aforesaid, within one month after such sale, then it shall be lawful for the auditor to proceed to obtain judgment against him for the like forfeitures, penalties and fines, and in the same manner as is allowed in the case of coroners and sheriffs failing to pay public dues.

6. This act shall not be construed to repeal any part or parts of the aforesaid acts, other than such as are rendered nugatory by the express directions of this act.

7. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 7.—An ACT to amend the several acts for regulating the inspection of flour and bread.

(Passed January 22, 1793.)

1. *Be it enacted by the general assembly*, That the courts of the several counties wherein inspections of flour are established, shall, at their courts to be held in the months of September or October in every year, nominate and appoint at such places, from whence bread shall be exported, a proper person as an inspector thereof. Inspectors of bread to be appointed.

2. It shall be the duty of every person owning or attending a mill for the manufacture of flour, to brand the barrel with the number 2. Manufacturers of flour shall brand the barrel No. 2.

3. *And be it further enacted*, That so much of the seventh section of the act passed in the year one thousand seven hundred and ninety-two, intituled, "*An act reducing into one the several acts for regulating the inspection of flour and bread*," as imposes a fine on millers and bolters for packing in each barrel and half barrel, a less quantity of flour than is by law directed, shall be so changed, as to impose the said fine on the person or persons offering the flour for inspection: *Provided however*, That such person or persons may by warrant, petition, or suit, as the case may require, recover of the miller or bolter the amount of the fine so paid by him or them. Repealing part of act herein recited.

4. All the acts and parts of acts relating to the inspection of flour and bread, imposing any fine, a part whereof shall be to the use of the informer, shall be so changed, as that no part of such fine shall go to the informer, provided he shall be an inspector. Inspectors informing of breach of any inspection law shall have no part of fine incurred.

5. The several inspectors of flour and bread shall appoint deputies, who shall be approved of by the courts of their respective counties, if they shall think them qualified for such appointments. And it shall be the duty of the inspectors of flour and bread to publish quarterly, a list of the quantities and qualities thereof inspected by them. To appoint deputies and publish the quantity of flour inspected by them quarterly.

6. *And be it further enacted*, That at the place known by the name of Madison's mill, in the county of King and Queen, an inspector of flour shall be appointed in the same manner and under the like regulations, as are directed and prescribed by the before recited act. Inspector to be appointed in King and Queen county.

7. And all and every act and acts, clauses and parts of acts, coming within the purview and meaning of this act, shall be and are hereby repealed. Repealing clause.

CHAP. 8.—An ACT to amend the act, intituled, "*An act to reduce into one the several acts concerning the county and other inferior courts of this commonwealth*."

[Passed January 20, 1793.]

1. *Be it enacted by the general assembly*, That in all suits hereafter instituted on the chancery side of a county or corporation court within this commonwealth, it shall and may be lawful for the clerk thereof, in all cases where there shall be more than one defendant in such suit, to issue process against such of the defendants as do not reside within the said county or corporation, directed to the sheriff or serjeant of any county or corporation within this commonwealth, upon whose return the same proceedings shall take Process against defendants not resident in the county wherein a suit in chancery may originate, may be directed to any other county, &c.

place, as if the process had been served by the proper officer of such county or corporation court.

Jurisdiction in
chancery causes
extended to
monthly courts.

2. *And be it further enacted*, That the several county and corporation courts, at their quarterly and monthly sessions, shall have concurrent jurisdiction in the trial of all chancery causes therein depending; any law to the contrary notwithstanding.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 9.—An ACT to amend the act providing for the poor, and declaring who shall be deemed vagrants.

(Passed January 23, 1798.)

Persons to super-
intend or supply
vacancies in office
of overseers of the
poor may be ap-
pointed at any
court.

1. *Be it enacted by the general assembly*, That whensoever any county or corporation shall neglect or fail to appoint persons, at the time prescribed by law to superintend the elections of overseers of the poor, every court where such failure may happen, shall be and it is hereby empowered and required to make such appointment at any subsequent court, or to fill the vacancy in the office of an overseer or overseers of the poor at any court after the same shall happen.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 10.—An ACT concerning the title of the commonwealth to lands which have been settled more than thirty years.

(Passed January 24, 1798.)

Preamble.

Whereas it hath been represented to the general assembly, that many persons possessing lands in this commonwealth, have been vexed and harassed by the location of warrants on the same, as if they were still waste and unappropriated, although the present possessors thereof, and those under whom they claim, have held the said lands in quiet and peaceable enjoyment, and have paid quit rents therefor under the former government, and all taxes imposed under the authority of the commonwealth, for more than thirty years: And whereas it is unreasonable to presume, that persons who have been thus long possessed under the circumstances aforesaid, should not have obtained patents for the same, especially as it has happened from the war and other causes, that patents actually granted have been lost or destroyed, and repeated alienations have been made of the said lands:

Entries or loca-
tions heretofore
made, not affected
by this act.

1. *Be it therefore enacted*, That no entry or location on any lands in this commonwealth, which have been settled thirty years prior to the date of such entry or location, and upon which quit rents or taxes can be proved to have been paid at any time within the said thirty years, shall be deemed valid; and any title which the commonwealth may be supposed to have thereto, is hereby relinquished.

Cases wherein
this act shall not
apply.

2. This act shall not extend to any case of an entry or location regularly made according to law, previous to the passing of this act: *Provided always*, That nothing herein contained shall be so construed as to affect the right of this commonwealth in or to any lands or tenements, the right whereof may or shall have become forfeited by nonpayment of the commonwealth's taxes; nor shall any thing herein contained be so construed as to alter or change the construction of the act for limitation of real actions.

CHAP. 11.—An ACT for appropriating the public revenue.

(Passed January 24, 1798.)

1. *Be it enacted by the general assembly,* That all taxes and arrearages of taxes, except the arrearages of the certificate tax, and all branches of revenue which shall arise to the commonwealth between the last day of December, one thousand seven hundred and ninety-seven, and the first day of January, one thousand seven hundred and ninety-nine, shall constitute a general fund, and be appropriated to the support of civil government, and for the contingent charges thereof; and shall also be charged with the payment of all unsatisfied warrants, charged on the said taxes and arrearages of taxes, by the act of the last session of assembly, intituled, "*An act for appropriating the public revenue,*" of warrants which shall be hereafter issued for expenses attending criminal prosecutions; for slaves condemned and executed; for the state's shares in the Patowmac and Appamattox companies; for the hospital for the cure and maintenance of persons of unsound mind; to the directors of the public buildings for finishing the capitol, for a sum not exceeding four thousand dollars, which shall be paid to the said directors on warrant or warrants from the auditor of public accounts, issued on the treasurer under the direction of the executive; for the expenses attending the arsenal at the Point of Fork; for carrying into effect the act "*For establishing arsenals and a manufactory of arms;*" for the penitentiary house, for a sum not exceeding twenty-five thousand dollars beyond what was appropriated by the act "*To amend the penal laws of this commonwealth;*" and for the arms directed by law to be imported; for all pensions allowed by this commonwealth; for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts, in the year one thousand seven hundred and ninety-eight, for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present general assembly, for which no provision has been made.

Taxes constituting a general fund.

Appropriation thereof.

2. And if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof; on account of the state's shares in the Patowmac and Appamattox companies; for the hospital for the cure and maintenance of persons of unsound mind; for pensions due by this commonwealth; and for salaries allowed by law to certain officers of the militia, should not be productive early enough for those purposes, it shall be lawful for the executive to direct the treasurer to borrow as much money, as shall be deficient, out of any other funds, and to replace the same as soon as possible.

Deficiency in certain funds, how supplied.

3. *And be it further enacted,* That the executive shall make to the commissioners and directors of the public buildings, or to such of them as shall apply for the same, such compensation for their respective services, as they shall appear to deserve; and the said compensation shall be paid by the treasurer, on warrant from the auditor by direction of the executive, out of the sum of four thousand dollars herein appropriated for the finishing of the capitol, or out of the money arising from the sale of the lead taken from the roof of the capitol.

Compensation to be made by the executive to the directors of public buildings.

4. *And be it further enacted,* That all monies which shall be paid into the public treasury on account of the arrearages of the

Appropriations of certain arrearages

to the redemption
of certain certifi-
cates.

certificate taxes, and all the monies which shall be paid on account of the arrearages of the revenue taxes, before the first day of October next, over the sum of forty thousand dollars, including what arrearages have been received since the first day of October last, shall be appropriated to the redemption of the certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth; and to the end, that all holders of such certificates may receive in proportion to their respective claims, the treasurer shall give in the Virginia-gazette six weeks previous notice of the time when payment is to be made, in order that such warrants may be previously registered, and the money so appropriated, duly apportioned among the said holders.

Commission of
sheriffs on mer-
chants' licenses.

5. A commission of five per cent. and no more, shall be allowed to sheriffs or collectors for the collection of the taxes on licenses to be granted to merchants, under the act passed during the present session, "*For laying taxes for the year one thousand seven hundred and ninety-seven,*" any law to the contrary notwithstanding.

Construction of
this act as to ar-
rears of revenue
taxes.

6. *And be it further enacted*, That the arrears of revenue taxes before mentioned in this law, shall be so construed as to include only the revenue taxes due prior to the last day of December, one thousand seven hundred and ninety-six.

Repealing clause.

7. All acts coming within the purview of this act, shall be, and are hereby repealed.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 12.—An ACT declaring the gold and silver coins of certain foreign countries to be a legal tender within this commonwealth.

(Passed January 19, 1798.)

Gold and silver
coins of France,
Portugal, Spain
and Great Britain,
declared a legal
tender in this com-
monwealth, at
rates herein men-
tioned.

1. *Be it enacted by the general assembly*, That the gold and silver coins of the foreign countries hereafter mentioned, shall pass current within this commonwealth, and be a legal tender for the payment of all debts, contracts and demands whatsoever therein, at the several and respective rates following, as established by the present law of congress, and not otherwise, viz: The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France and Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains, and two fifths of a grain of the actual weight thereof; Spanish milled dollars at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen penny weights and seven grains, and in proportion for the parts of a dollar; crowns of France at the rate of one hundred and ten cents for each crown, the actual weight whereof shall not be less than eighteen penny weights and seventeen grains, and in proportion for the parts of a crown.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 13.—An ACT authorizing creditors of deceased persons, leaving lands which escheat to the commonwealth, to recover their debts out of the proceeds thereof.

(Passed December 29, 1797.)

1. *Be it enacted by the general assembly*, That whensoever any person dies seized of lands which shall be escheated for the benefit of the commonwealth, being indebted, and not having slaves or other personal estate sufficient to pay such debts, it shall and may be lawful for the general court, on the petition of his or her creditor or creditors, to give judgment for such debts or so much thereof as shall be by legal testimony established, to be paid out of the proceeds of such escheated lands, until the same shall be exhausted; to all which petitions the treasurer for the time being shall be made defendant: *Provided*, That the said slaves and other personal estate shall be previously applied in the payment of the debts of the said decedent; and that every such creditor shall annex an affidavit to the said petition, stating that the amount of his or her demand is *bona fide* due and owing at the time of preferring the petition.

Creditors of deceased persons, leaving lands which escheat to the state, and no other property, may recover their debts out of proceeds thereof.

Proviso.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 14.—An ACT directing the mode of serving writs of *scire facias*.

[Passed January 13, 1793.]

Whereas the manner of serving writs of *scire facias*, as heretofore practised, has been found inconvenient:

Preamble.

1. *Be it therefore enacted by the general assembly*, That where the defendant can be found, writs of *scire facias* shall hereafter be served in the same manner, as writs of *capias ad respondendum*. And where the said defendant cannot be found, it shall be considered as a sufficient service of the said writ, for the sheriff or other officer to whom the same is directed, to leave a copy thereof with the wife of the defendant, or some free person above the age of sixteen years, then and there being one of the family of the defendant, and found at his usual place of abode: *Provided always*, That bail shall not be required by the officer serving a writ of *scire facias*; and that this act shall not be construed to repeal the act, authorizing writs of *scire facias* to be issued to, and executed in counties or districts, other than those in which judgments may have been obtained.

Writs of *scire facias* to be served in same manner as writs of *capias ad respondendum*.

Proviso.

2. This act shall commence and be in force from and after the first day of May next.

Commencement.

CHAP. 15.—An ACT to amend the act concerning election of members of general assembly.

(Passed January 17, 1793.)

1. *Be it enacted*, That so much of the act, intituled, "*An act concerning election of members of general assembly*," passed in December, one thousand seven hundred and eighty-five, as provides, that no trial of a contested election of members of either house of assembly, shall be had within less than fourteen days after complaint lodged with the speaker of either house of assembly, shall be, and the same is hereby repealed.

Repealing part of former act relative to contested elections.

2. *And be it further enacted*, That from and after the first day of January next, the election of members to the general assembly

Election of members of assembly, when holden.

shall be held on the third Monday in March in every year, throughout this commonwealth; any law to the contrary notwithstanding.

Concerning the
poll at elections.

3. If the poll to be held at any such elections, is not closed on the first day, the same shall be kept open two days thereafter at least.

Electors in towns
entitled to repre-
sentation, may
vote for members
to congress.

4. *And be it further enacted*, That electors in towns entitled to representation in the house of delegates, shall have a right to vote at their respective courthouses for representatives to congress, and the officers holding such elections, shall be subject to the like regulations in taking and returning their polls, as the sheriffs of counties are, and shall be entitled to the like compensation for their services and travelling expenses.

CHAP. 16.—An ACT to prevent the clerks of district courts from acting as justices of the peace.

[Passed January 12, 1798.]

Clerks of district
courts prohibited
from acting as jus-
tices of the peace.

1. *Be it enacted by the general assembly*, That it shall not be lawful for any clerk of a district court to exercise the office of a justice of the peace; and any clerk so offending, shall be subject to the same penalties, to be recovered and applied in like manner with those incurred by persons presuming to act as magistrates, without first qualifying as the law directs.

Commencement.

2. This act shall commence and be in force from and after the first day of June next.

CHAP. 17.—An ACT giving further time to the owners of certain surveys, to return the plats and certificates thereof into the land office.

(Passed January 6, 1798.)

Further time al-
lowed to return
plats and certifi-
cates of survey to
the register's of-
fice.

1. *Be it enacted by the general assembly*, That the further time of twelve months to be computed from the thirty-first day of December, one thousand seven hundred and ninety-seven, shall be allowed the owners of surveys of lands on the eastern and western waters, for returning all plats and certificates of surveys, to the register of the land office, who shall receive the same; and all plats and certificates of surveys aforesaid, not returned within the period aforesaid, are hereby declared to be absolutely null and void, and the lands included in the said surveys subject to another location: *Provided always*, That the warrant upon which such forfeited survey is founded, shall be returned to the person having right thereto: saving to infants, *femes covert*, persons *non compos mentis*, imprisoned, or beyond sea, the right of returning such plats and certificates of survey as above recited to the register's office, according to the terms of this act, within one year after their respective disabilities are removed.

Proviso.

Saving clause.

Construction of
this act as to lands
on eastern waters.

2. *And be it further enacted*, That so much of this act as relates to lands on the eastern waters, shall be so construed as only to authorize the register of the land office to receive plats and certificates of surveys made on locations under the commonwealth's land warrants.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 18.—An ACT to establish arsenals and a manufactory of arms.

(Passed January 23, 1798.)

1. *Be it enacted*, That the executive be, and they are hereby required to fix upon and purchase two proper situations for the erection of arsenals, in the counties of Prince Edward and Orange, or Culpeper, in addition to that at the Point of Fork, and to have such buildings erected for the preservation of arms, and such fortifications thrown up for the defence of the said arsenals, as to them shall seem expedient. Executive to fix on and purchase proper sites for, and cause arsenals to be erected.
2. *And be it further enacted*, That the executive do cause to be enlisted, for a term not exceeding three years, as a guard for each arsenal as it is erected, twenty private men and two serjeants, and commission one lieutenant, for the purposes of making each of the said fortifications, guarding and keeping the arms in good order, which said men and officers shall receive the same pay and other allowances as continental troops are entitled to: *Provided*, That the executive do only cause the said men to be enlisted, and commission the said officers, as they may become necessary from the supplies of arms by purchase or otherwise. A lieutenant to be commissioned, and 20 men to be enlisted as guards, &c. their pay and duty. Proviso.
3. *And be it further enacted*, That each of the said three arsenals, hereby established, shall be calculated to hold at least ten thousand complete stand of arms, with which quantity each is to be supplied successively, at the discretion of the executive, one being finished and supplied, before the expense of erecting buildings and enlisting guards for another, shall be incurred. What number of arms arsenals to be capable of holding, and how supplied.
4. Each lieutenant shall, over and above the other duties of his office, inspect and direct the cleaning and well keeping the arms, for which he shall receive the additional sum of one hundred dollars annually; shall give receipts for all arms delivered to him, and shall enter into bond with three sufficient securities, in a penalty equal to their value, payable to the governor for the time being, for the use of the commonwealth, and conditioned as the executive shall devise, so as to secure the object of having the said arms at all times forthcoming and in good order; and until the appointment of the commandant hereafter mentioned, it shall be the duty of each lieutenant to make monthly returns of all arms under his care, expressing their state, to the executive. Duty of lieutenants appointed in pursuance of this act. Shall enter into bond with security, &c. And make monthly returns of arms, &c.
5. *And be it further enacted*, That so soon as fifteen thousand stand of arms shall be obtained, the executive are required and empowered to appoint and commission one major commandant and superintendant of the said arsenals and guards, who shall receive the pay and other allowances of a major in the infantry of the continental army, whose duty it shall be once in every month, and oftener if need be, to inspect the state of the said arsenals, and to make a return thereof monthly to the executive in such mode as they may direct. Executive to commission a major commandant. His pay and duty.
6. The several officers hereby to be appointed, shall hold their commissions during pleasure. Commissions, how holden.
7. And to insure a supply, *Be it further enacted*, That the executive be empowered to establish a manufactory of arms within the vicinity of Richmond, at such place, and upon such terms and conditions as to them shall seem expedient. A manufactory of arms near Richmond.
8. *And be it further enacted*, That the executive be, and they are hereby required, to procure six hundred pistols, holsters, swords, Executive to procure accoutrements for cavalry.

To dispose of the public or private herein mentioned.

Writ of *ad quod damnum* on land wanted for the uses herein mentioned may issue in certain cases.

Surveyor of the county to attend proceeding thereon.
Duty of the jurors.

Inquest to be returned and recorded.

Executive may issue public arms to officers of certain regiments, under such conditions as they approve.

Commencement.

scabbards, and belts, to be distributed in the said several arsenals, as they are ready to receive them, for the equipment of cavalry.

9. *And be it further enacted*, That the executive shall be, and they are hereby authorized, to dispose of, or exchange, such of the ordnance of this commonwealth, as they may deem expedient, and in lieu thereof to procure brass field pieces of the size best suited to the military establishment of this commonwealth.

10. *And be it further enacted*, That in case the executive cannot obtain a proper site for the said arsenals and manufactory, upon such terms as they may deem reasonable, a writ of *ad quod damnum* shall, at their instance, be issued from the district court wherein the land so required for public use, shall lie, which shall be executed thereupon by metes and bounds, which, and also the quantity shall be expressed in the inquest; the surveyor of the county shall attend the jury, to ascertain the bounds and quantity; of which said inquest the party interested shall have reasonable notice; and the said jury shall in their inquest, ascertain the damages which the proprietor of the said land shall sustain by the loss thereof, whereupon, and upon the payment of the said damages to the said party injured, the land so valued shall be forever thereafter vested in the commonwealth. The said inquest so to be made, shall be returned and recorded in the district court from which the writ of *ad quod damnum* shall issue.

11. *And be it further enacted*, That the executive shall, and they are hereby authorized and empowered, to issue such a proportion of the public arms and ammunition to the commanding officers of the regiments, within the limits of which the arsenals aforesaid shall be erected, under such conditions and regulations, for the security and preservation of the said arms, as they may deem necessary.

12. This act shall commence and be in force from the passing thereof.

CHAP. 19.—An ACT authorizing the governor of this commonwealth to convey to the United States, certain land on Old Point Comfort, for the purpose of building a light-house:

[Passed January 2, 1798.]

Governor authorized to convey a piece of land on Old Point Comfort to the United States, for the purpose of building thereon a light-house.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the governor of this commonwealth, and he is hereby fully authorized for and in behalf of this commonwealth, by proper deeds and instruments in writing, under his hand and the seal of the commonwealth, to convey, transfer, assign and make over to the United States, in congress assembled, for the use of the said United States, all interest in and right and title to, as well as all the jurisdiction which this commonwealth possesses over so much of the public lands, not exceeding two acres, situate, lying and being in the county of Elizabeth City, at a place commonly called Old Point Comfort, as shall be sufficient to erect a light-house, subject to the terms and conditions following, that is to say: That a light-house shall be erected upon the said land, and that all charges and expenses of building and rebuilding, when necessary, and keeping in good repair the said light-house, together with the salaries, wages and hire of the person or persons appointed by the president of the United States for the superintendence and care of the same, and all the necessary supplies with which a light-house ought to be furnished, shall be defrayed out of the treasury of the United States.

2. If a light-house shall not be erected within the space of seven years, after the cession of the said two acres of land by this commonwealth to the United States, in congress assembled, or if at any time thereafter, the said light-house shall be suffered to fall into decay, or be rendered useless as to the purposes for which it is to be erected, and so continue for the aforesaid period of seven years, then and in those cases, the property in the soil, and jurisdiction over the territory hereby directed to be vested in the United States, in congress assembled, shall revert to this commonwealth, and be considered as the property, and subject to the jurisdiction of the same, in like manner as if this act had never been made: *Provided* Land to revert to the state in case a light-house is not erected thereon, and continued in use. *always*, That nothing in this act contained, or in the deed of cession to be made in pursuance thereof, shall be construed to deprive the citizens of this commonwealth of the privilege they now enjoy of hauling their seines on the shores of the land to be ceded in pursuance of this act. Proviso.

CHAP. 20.—An ACT to incorporate a company for marine insurances, and other purposes, in the town of Alexandria.

(Passed January 10, 1798.)

Whereas the insurance of property against those casualties to Preamble. which it is liable, has been found highly beneficial in all places where it has been introduced and practiced: Therefore,

1. *Be it enacted by the general assembly of this commonwealth*, Persons authorized to open books of subscription for raising a capital of two hundred and fifty thousand dollars in shares of twenty dollars each. That a subscription be opened in the town of Alexandria, under the direction of the seven following persons, to wit: William Hartshorne, John Gill, George Taylor, Richard Conway, Robert Townsend Hooe, Jonah Thompson and James Bruce Nickolls, for raising a capital stock of two hundred and fifty thousand dollars, in shares of twenty dollars each, and that each person do upon subscribing, pay to the person or persons receiving the same under the authority of this act, five dollars upon each share so subscribed for, and that the remainder of the said twenty dollars payable upon each share, shall be thereafter called for by the president and directors, at such times and in such proportions as they shall find necessary, giving six weeks notice in one of the Alexandria and Richmond gazettes, and in the Winchester and Fredericksburg gazettes, of the sum required upon each share, and the time of making such payment; and if any subscriber, his executors, administrators or assigns, shall fail to pay the sum called for upon each share so held by him, her or them, at the time appointed for such payment, every such share shall be forfeited, and all the monies paid thereupon, for the use of the company; and the holder or holders of such share or shares shall moreover be liable for the remaining sums of money payable upon such share or shares, when the same shall be called for by the president and directors; to be recovered by them, where the sum called for shall amount to twenty dollars and upwards, by a motion in any court of record within this commonwealth, giving the holder or holders of such share or shares, their executors or administrators, ten days notice of such motion; and where the sum called for shall be less than twenty dollars, by petition or warrant as the case may be. Penalty on subscribers failing to pay sum demanded on shares by them subscribed.

2. *Be it enacted*, That every subscriber shall be entitled to vote Votes of subscribers regulated by number of shares, which may be transferred. by himself, his agent or proxy, appointed under his hand and seal, attested by two witnesses, at all elections made by virtue of this act;

and shall have as many votes as he holds shares, as far as ten shares; and one vote for every five shares which he may hold over ten, as far as fifty other shares; and a vote for every twenty shares which he may hold over every sixty shares: And every stockholder may at pleasure sell and transfer his stock in the company, or any part thereof, not being less than an whole share, the transfer being made in the books of the company, in the presence and with the approbation of the proprietor or his attorney; the purchaser thereupon to be entitled to all the rights which the original proprietor enjoyed.

A certain number of shares being subscribed, a general meeting of subscribers to be called, who shall choose directors, &c.

3. *Be it enacted*, That as soon as six thousand shares shall be subscribed for, the persons hereby appointed to receive the subscriptions, or any four of them, shall call a meeting of the subscribers in the town of Alexandria, giving three weeks notice thereof in the aforesaid gazettes; and the subscribers assembled in consequence of such notice, shall choose by ballot, from among their body, by a majority of votes then represented, either in person or by proxy, fifteen directors, citizens of this commonwealth, who shall serve until the first Monday in January then ensuing; on which day, and on the same day annually thereafter, the stockholders shall by a plurality of votes represented as aforesaid; choose fifteen directors, citizens of this commonwealth, who shall serve for one year thereafter, and until nine directors are chosen; and in case of refusal to act, death, resignation or removal out of this commonwealth of any director, before the expiration of the term for which he was chosen, the remaining directors, or any eleven of them, shall elect by ballot from among the stockholders, citizens of this commonwealth, another person to act as director in his place during the remainder of the year.

Vacancies by death, &c. how supplied.

Directors shall choose a president to serve one year.

4. The directors chosen as aforesaid, or any eleven of them, shall at the first meeting held by them, after every general election, which shall be held as soon thereafter as may be, elect by a majority of the members then present, from their own body, or the other stockholders, by ballot, a person to act as president, who shall serve for one year, and until the appointment of the new president, after the next succeeding election; and in case of the refusal to act, death, resignation, or removal out of this commonwealth, of the person so chosen president, before the expiration of the term for which he was so chosen, the directors shall immediately thereupon, in the manner aforesaid, choose another person to act as president during the remainder of the said term; and in every case where one of the directors shall be chosen to act as president, the vacancy thereby created, shall be supplied as in the case of refusal to act, death, resignation, or removal out of this commonwealth: And in case of the sickness, necessary absence of the president, or inability to attend from any other cause, to the duties of his office, the directors, or any eleven of them, shall appoint by a majority of the members present, one of their own body to act as president *pro tempore*, during such time as the president shall not, from any of the causes aforesaid, be able to attend; that a committee of five of the persons hereby authorized to receive the subscriptions, be appointed by that body to superintend the first election of directors, and a committee of five of the stockholders, not being directors, appointed by the board of directors, to superintend every succeeding election.

Vacancy in the office of president by death, &c. how supplied; and if sick or unable to attend, a president *pro tempore* to be appointed.

Elections, by whom conducted.

President of any other insurance company ineligible.

5. *Be it enacted*, That no president or director of any other insurance company, shall be eligible as a president or director of the said company.

6. *Be it enacted*, That all those who shall become subscribers to the company, their successors and assigns, shall be and are hereby created a body politic, by the name and style of *The Marine Insurance Company of Alexandria*, and shall by that name have succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law or equity within this commonwealth or elsewhere, and to make and have a common seal, and the same to break; alter or renew at their pleasure; and to ordain and make such by-laws, ordinances and regulations, as shall appear necessary for regulating the concerns of the company, not being contrary to this act, the constitution and laws of this commonwealth, or the United States; and that the funds of the company as they shall arise, be vested in the bank stock of Alexandria, or such other stock as the president and directors shall judge most advantageous.

Subscribers incorporated; style of incorporation; their powers, &c.

Funds to be vested in stock.

7. *Be it enacted*, That the members of the company shall not be liable for any loss, damage or responsibility in their persons or property, other than the property they have in the capital and funds of the company, to the amount of the shares respectively held by them, and any profits arising therefrom, not divided, except as is hereafter excepted, that is to say: If the total amount of the debts which the said company shall at any time owe, shall exceed the capital stock hereby allowed, and the undivided profits, the directors under whose administration it shall happen, shall be liable for such excess in their natural and private capacities, and an action of debt may be brought against them or any of them, their heirs, executors or administrators, in any court of record within this commonwealth, by any creditor or creditors of the said company, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said body politic, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the mayor of the town of Alexandria for the time being, and to the stockholders, at a general meeting, which he or they shall have power to call for that purpose.

Members in this company not liable for losses in their individual characters.

Directors may become liable in their individual characters by certain acts herein mentioned.

8. *Be it enacted*, That the president and directors, chosen in the manner aforesaid, shall have the disposal, direction and management of those shares, which may not be disposed of at the formation of the company, and all the other concerns of the company; subject nevertheless to the control and instructions of the stockholders at their annual meetings; and power to provide a suitable place for an office, and to make all rules and regulations for conducting the business of insurance, and the concerns of the company, not provided for by this act; to appoint a secretary and competent number of clerks, and any other officers they shall find necessary; and to make such compensation for their services as they shall deem proper; and to allow and pay to the president, for the time being, such salary as they shall deem reasonable, which several salaries shall be fixed every year before the appointment of officers; that immediately after the first election of directors, a proper book be provided, and an entry therein made of the names of the several

Shares not subscribed for at the formation of the company, how disposed of.

Powers of the president and directors, in appointing officers, &c.

subscribers and the number of shares by them respectively subscribed for, in which book all transfers made shall be entered; that full entries of all the proceedings of the president and directors shall be made in other books provided for that purpose, which shall at all times be open for the inspection of the stockholders.

Number of directors necessary to form a board—times of meeting, &c.

9. *Be it enacted*, That a majority of the directors shall form a board, which shall meet once a month, and as often at such other times within the month, as the president or board of directors shall judge proper, and shall have full power and authority to make insurances upon vessels and merchandizes by sea or going to sea, and upon any goods, wares or merchandizes, freights or other personal property, gone or going by land or water, and to lend money upon bottomry and respondentia; but the president, or in case of his inability to attend, the president *pro tempore*, and a committee of directors, composed of such numbers as the board shall direct, not less than three, to be appointed by the president in rotation, shall attend daily at the insurance office, and have full power and authority to make all insurances as herein mentioned, and to lend money upon bottomry and respondentia, and to fix the premiums upon such insurances and loans: that all policies shall be signed by the president, or in case of his inability to attend, by the president *pro tempore*, and countersigned by the secretary: that the president, or president *pro tempore*, and the committee of directors for the time being, shall take approved notes for premiums, with such time of payment as may be determined upon by the board of directors in their general regulations: that all losses arising on any policy so subscribed, shall be adjusted by the president and board of directors agreeable to the terms of the policy, and paid out of the joint funds and property of the company.

May lend money, and how.

Losses how settled.

A statement of the company's affairs, &c. to be made every six months.

10. *Be it enacted*, That the president and directors do make a full and fair state of the affairs of the company every six months; that they do, after the formation of the company, make a dividend of so much of the profits of the company, as they shall judge advisable, two weeks before the next meeting of the stockholders and election of directors, and every half year thereafter; that all dividends so made and declared, be advertised immediately in the Alexandria gazettes, and paid ten days after being made; but the monies received as premiums on risques outstanding and not determined, at the time of making such dividends, shall not be considered as a part of the profits of the company: that in case of any loss or losses whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equivalent to such diminution, and arising from the profits of the company, shall have been added to the capital.

Monies excepted from dividend, and amount of capital, how perpetuated.

Actions on policies, how and against whom brought.

11. *Be it enacted*, That in case any action shall be prosecuted upon any policy so subscribed, the same shall be brought against the president subscribing the same, or his successor in office; and all recoveries had in any such action or actions, shall be conclusive on the company, so far as to render the stock of the company liable, and no further.

Commencement.

12. This act shall commence and be in force from and after the passing thereof.

CHAP. 21.—An ACT concerning the city of Richmond.

(Passed January 22, 1798.)

1. *Be it enacted*, That in addition to the powers heretofore granted to the corporate body of the city of Richmond, the mayor, recorder, aldermen, and common council, in common hall assembled, be, and they are hereby authorized to pass such by-laws or ordinances for the government of persons and property within the limits of the said city, as they shall think necessary, for establishing and carrying into full effect the requisite rules and regulations to prevent and extinguish fire on buildings within the city aforesaid; provided such laws and ordinances be not contrary to the constitution or laws of this commonwealth.

Mayor, &c. empowered to make and enforce regulations to prevent fire.

Proviso.

2. *And be it further enacted*, That henceforth the tithable persons resident within the said city, shall be considered as totally separated from those of the county of Henrico, and shall be exempt from all impositions by the court of the said county for county levies, or for the maintenance or support of poor persons not resident within the city aforesaid.

Tithables of city separated from those of county.

3. *And be it further enacted*, That any presentment made by a grand jury for the said city, for an offence committed within the jurisdiction of the court of hustings for the city aforesaid, under any law of the land, may be prosecuted in the said court, in the same manner, and the like proceedings be had therein, as is or may be in the county court of Henrico.

Concerning presentments by grand juries for offences within the city.

4. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 22.—An ACT making provision for the disposal of the marine hospital, and the exoneration of the commissioners.

(Passed January 20, 1798.)

1. *Be it enacted by the general assembly*, That the governor and council be, and they are hereby authorized and empowered, to cause the accounts of the commissioners appointed under the act, intitled, "*An act for establishing a marine hospital for the reception of sick and disabled seamen*," to be adjusted; and so soon as the balance due by the commissioners to the contractor shall be ascertained, it shall be lawful for the governor to offer the marine hospital, together with its appurtenances, to the congress of the United States, to be applied to the benevolent purposes for which it was erected, at the sum which shall be found due from the commissioners to the contractor. And the governor is further authorized and empowered to cede to the United States, by deed, the lots and appurtenances aforesaid, on receiving from the commissioners of the marine hospital, or from any other source, satisfactory proof that the sum so ascertained to be due from the commissioners in consequence of their appointment, has been actually paid.

Executive to cause a settlement of commissioners' accounts and offer and cede the building, &c. to the U. States for a marine hospital.

2. *And be it further enacted*, That in case the government of the United States shall refuse to receive the said hospital with its appurtenances, on the terms before mentioned, then and in that case it shall be lawful for the governor to direct the commissioners, or any three of them, to dispose of the said hospital, with the appurtenances, for the best price that can be obtained; and the money arising from such sale, to be applied in the first place to the payment of the sum which shall be found due from the commissioners,

Hospital to be sold if the United States refuse it on the terms herein tendered.

and the balance shall be paid into the treasury, subject to the future direction of the general assembly.

Commencement. 3. This act shall commence and be in force from and after the passing thereof.

CHAP. 23.—An ACT concerning hawkers and pedlars.

(Passed January 18, 1798.)

Pedlars prohibited selling goods without license.

1. *Be it enacted by the general assembly*, That no hawker or pedlar, shall offer for sale or barter, any goods, wares, or merchandize, unless such person or persons so offering the same, shall have first obtained a license from some court of record in this commonwealth, which license the county and corporation courts are hereby authorized to grant, on satisfactory proof appearing to them of the honesty and good demeanor of the person applying, and on his paying to the sheriff or serjeant of the court granting such license, twenty dollars, which license shall be annually renewed.

Penalty for selling without license.

2. Any person offering for sale or barter, any goods, wares, or merchandize, as a hawker or pedlar, without producing a license as aforesaid, shall forfeit and pay fifty dollars, to be recovered by action of debt or information in any court of record within this commonwealth, one moiety to the use of the informer, and the other to the use of the commonwealth: *Provided*, That in all such cases, bail shall be required as in actions of debt.

Proviso.

Fee to clerks for issuing licenses, and their duty under this act.

3. The clerks of the respective courts, shall be entitled to receive fifty cents for each license to be granted in pursuance of this act. It shall be the duty of the clerks to transmit to the auditor of public accounts, once in every year, whether any and what number of licenses have been granted by his court under this act; and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion, on ten days previous notice.

Sheriff's commissions, &c.

4. The sheriff or serjeant for receiving the tax laid by this act on licenses, shall be entitled to the same commissions, and be subject to the same proceedings, for nonpayment of the same into the treasury, as is prescribed for the recovery of the public revenue.

Construction of this act as to goods of the growth of the United States.

5. Nothing in this act contained, shall be construed to prevent any person or persons from offering for sale or barter, any goods or commodities, the growth or manufacture of this commonwealth, or of any of the United States; nor shall any thing herein contained, be construed so as to permit any person obtaining a license under this act, to authorize any negro or mulatto, bond or free, to vend any goods, wares or merchandize, but in all such cases, the negro or mulatto offering any goods, wares or merchandize, shall be proceeded against in like manner as is prescribed by this act, against persons offering goods, wares or merchandize, for sale or barter, without license.

Penalty on negroes and mulattoes offering goods for sale.

Commencement.

6. This act shall commence and be in force from and after the eighth day of March next.

CHAP. 24.—An ACT increasing the salary of the clerk of the general court, and for other purposes.

(Passed December 22, 1797.)

Salary of the clerk to the general court.

1. *Be it enacted by the general assembly*, That in lieu of the salary now allowed by law to the clerk of the general court, he shall and may receive at and after the rate of five hundred dollars

per annum, payable in like manner as the salary heretofore allowed him, has been paid.

2. *And be it further enacted*, That the fifth section of the act of assembly, passed in the year one thousand seven hundred and ninety-two, intituled, "*An act reducing into one the several acts concerning the fees of certain officers, and declaring the mode of discharging the said fees and county levies*," shall be, and is hereby repealed. Repealing clause.

3. *And be it further enacted*, That where a motion shall be made or suit instituted against any person or persons for money due to the public, by, or in the name of the person authorized by law so to do, and judgment shall be recovered against him, her or them, the clerk of the court wherein such motion shall be made or suit instituted, shall be, and is hereby authorized to charge to the commonwealth the fees accruing thereon for services rendered the public: *Provided, however*, That the said fees shall not be demanded or exacted until the same shall be received of the person or persons against whom such judgment shall be obtained. Fees for motions made, or suits instituted chargeable to the commonwealth.

4. This act shall commence and be in force from and after the first day of January, one thousand seven hundred and ninety-eight. Proviso.

CHAP. 25.—An ACT for removing the superior court from the town of New London.

(Passed January 22, 1798.)

Whereas it hath been represented to the present general assembly, that the place appointed by law for holding a superior court for the district composed of the counties of Bedford, Campbell, Franklin, Pittsylvania, Patrick and Henry, is not only remote from the centre, but inconvenient and burthensome to suitors and others necessarily compelled to attend the same: For remedy whereof, Preamble.

1. *Be it enacted*, That Joshua Stone, James M. Williams, Joseph Martin, George Harston, Samuel Harston, Benjamin Cooke, Charles Foster, James Clark, Edward Tat'ham, John Depriest, Callohill Mennis and David Saunders, gentlemen, or a majority of them, shall be, and they are hereby empowered and required to meet at William Ward's springs, on the first Tuesday in May next, and thence proceed to view, examine, and ascertain the most eligible situation, at, or as near the centre of the said district, as convenience will admit, whereon to erect the necessary public buildings, for holding a superior court for the said district: And the said commissioners, or a majority of them, shall thereafter proceed to let the building of a courthouse and prison, (of such dimensions and form as they may judge most proper) to the lowest bidder, having previously advertised the time and place, on a court day, at each of the courthouses of the counties of Pittsylvania, Franklin, Bedford and Campbell, certifying under their hands to the court of each of the said counties composing the district, the sum for which the said buildings was let, and ascertaining also in the said certificate, the proportion thereof to be paid by each county, according to the number of tithables; and the respective courts shall, at the time directed by law for laying county levies, next ensuing the receipt of the said certificate, levy their several proportions of the expense of the said buildings, to be paid to the order or orders of the said commissioners, or a majority of them. Persons appointed to ascertain the most central and convenient place whereon to erect the necessary buildings for holding a court, &c.

Mode of, and funds for erecting such buildings how supplied.

Person undertaking the buildings shall enter into bond and security, &c.

Commissioners failing to meet at time appointed may meet any other day. Proviso.

Buildings being completed district court to be there holden.

Commencement.

2. The person or persons undertaking the said buildings, shall enter into bond with sufficient security, in the penalty of ten thousand dollars, payable to the said commissioners, or the survivors or survivor of them, with condition for the due and faithful performance of the work, according to contract.

3. If a majority of the said commissioners shall fail to attend at the time and place aforesaid, it shall be lawful for them to meet and proceed to the execution of this act, on any other day: *Provided always, and be it further enacted*, That the said commissioners, or a majority of them, shall receive the proposals of individuals for erecting the said buildings at their own expense; and if the said commissioners shall be of opinion, all circumstances considered, that any place proposed by an individual, will be convenient and proper, they are hereby empowered and required to accept of, and close with such proposals; any thing herein before contained to the contrary notwithstanding.

4. So soon as the said buildings shall be completed, a superior court shall thenceforth be holden at the said place so appointed by the said commissioners.

5. This act shall commence and be in force from and after the passing thereof.

• CHAP. 26.—An ACT to empower the justices of the county of Ohio to alter the place of holding courts therein.

(Passed December 27, 1797.)

Justices to fix upon a central place for holding courts—cause buildings to be erected, &c.

1. *Be it enacted by the general assembly*, That the justices of the peace for the county of Ohio, or a majority of them, shall, at a court to be held in the month of May or June next, fix upon a place for holding courts in the said county at or as near the centre thereof, as the situation and convenience will admit, and thenceforth proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts in the said county as they shall think proper.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 27.—An ACT for altering the court day and quarterly sessions of the county of Pendleton.

(Passed January 1, 1798.)

Monthly and quarterly courts, when to be holden.

Be it enacted by the general assembly, That from and after the first day of March next, a court for the county of Pendleton shall be held by the justices thereof on the first Tuesday in every month, instead of the day heretofore appointed by law; and that a court of quarterly session shall be held for the said county in the months of March, June, August and November, in every year; any law to the contrary notwithstanding.

CHAP. 28.—An ACT to empower the court of Russell county to appoint persons to solemnize the rites of marriage.

(Passed December 25, 1797.)

Court authorized to appoint persons to solemnize the rites of marriage.

1. *Be it enacted by the general assembly*, That it shall be lawful for the court of the county of Russell, and it is hereby required to appoint two persons resident therein, who, by virtue thereof, and of this act, shall be authorized to celebrate the rites of marriage within the said county, under the like rules, regulations, allowances, penal-

ties and forfeitures, as directed and prescribed by the act, intituled, "*An act to amend the act to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages, and for punishment of the crime of bigamy,*" which was passed the third day of December, one thousand seven hundred and ninety-four.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 29.—An ACT for altering a quarterly session of the court of Hardy county.

(Passed December 21, 1797.)

Be it enacted by the general assembly, That a court of quarterly session for the county of Hardy, shall hereafter be held by the justices thereof, in the month of June in every year, instead of the month of May. A court of quarter session to be held in June.

CHAP. 30.—An ACT for altering the court day and quarterly sessions of the county of Kanawha.

(Passed January 15, 1793.)

Be it enacted by the general assembly, That from and after the first day of March next, a court for the county of Kanawha, shall be held by the justices thereof, on the second Tuesday in each month, instead of the day heretofore appointed by law; and that a court of quarterly session shall be held for the said county in the months of April, June, September and November, in every year; any law to the contrary notwithstanding. Monthly and quarterly courts, when to be holden.

CHAP. 31.—An ACT to alter a court of quarter session in the county of Hampshire.

(Passed January 20, 1793.)

1. *Be it enacted by the general assembly,* That the court of quarter session for the county of Hampshire, heretofore held in the month of May, shall hereafter be held in the month of June in every year; any law to the contrary thereof notwithstanding. A court of quarter session to be held in June.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 32.—An ACT to improve the navigation of Staunton river, from Booker's ferry to the mouth of Pig river.

[Passed January 12, 1793.]

Whereas it is represented, that the clearing, improving and extending the navigation of Staunton river, from Booker's ferry to the mouth of Pig river, will be of public utility: Preamble.

1. *Be it therefore enacted by the general assembly,* That Philip Payne, William Witcher, William Ward, David Hunt, Charles Calaway, Bryant W. Nowling, John Ward, Benjamin Lankford and John Lee, gentlemen, shall be, and they are hereby appointed trustees, for clearing and extending the navigation of the said Staunton river, from Booker's ferry to the mouth of Pig river, and for that purpose they are authorized to take and receive subscriptions. Persons appointed trustees.

2. If any person shall neglect to pay the money subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same in the name of the trustees for the time being, by warrant before a magistrate, where the subscription doth not amount to five dollars, and where it amounts to five dollars and upwards, by Mode of recovering money from delinquent subscribers.

motion in the court of the county where the subscriber or subscribers reside, on giving the party ten days previous notice of every such motion.

Trustees may make contracts for improving this navigation.

3. The said trustees, or a majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the said river, in such manner as they, or a majority of them shall judge most proper, and to remove all obstructions to the navigation of the said river.

Persons to be appointed to receive money subscribed, who shall enter into bond, &c.

4. The trustees, or a majority of them, shall have power to appoint one or more persons to receive all monies subscribed by virtue of this act, and the person or persons so appointed, shall in the court of the county of Campbell, give bond with sufficient security in a reasonable penalty, payable to the said trustees and their successors for the time being, with condition that he or they, his or their heirs, executors or administrators, shall and will, at all times when required, truly and faithfully account for all such sums of money as shall come to his or their hands for the purposes of this act, and pay the same to such person or persons as the said trustees, or a majority of them, shall order and direct.

Monies not paid to the order of trustees how recovered from the receivers thereof.

5. If the receiver or receivers shall neglect or refuse to pay the money as ordered or directed by the said trustees, or so much thereof as shall come to his or their hands, the party entitled to receive the same by virtue of such order, shall and may recover the money in like manner as is herein before directed and prescribed in the case of persons refusing or neglecting to pay their subscriptions.

Vacancies in office of trustee, how supplied.

6. Vacancies by death, resignation or otherwise, of any of the said trustees, shall be supplied by the remaining trustees, or a majority of them.

Commencement.

7. This act shall commence and be in force from and after the passing thereof.

CHAP. 33.—An ACT to explain the act, intituled, "An act to amend the act, intituled, 'An act for opening and improving the navigation of Quantico creek, in the county of Prince William.'"

(Passed January 17, 1798.)

Preamble—reciting difficulties which occurred in the execution, from the construction of the acts herein mentioned.

Whereas in the session of assembly, held in the year one thousand seven hundred and ninety-five, an act was passed, "*For opening and improving the navigation of Quantico creek, in the county of Prince William*," whereby it was enacted, that certain persons therein named, should receive subscriptions for the sum of ten thousand dollars, to be applied to opening and improving the said navigation, and that so soon as more than half the said sum should be subscribed, the said subscribers should be a body corporate, under the name of the Quantico company, by virtue of which said act, the said sum of ten thousand dollars was accordingly subscribed: And whereas at the subsequent session of the assembly, in the year one thousand seven hundred and ninety-six, an act was passed to amend the said act, whereby additional subscriptions were directed to be received to the amount of twenty thousand dollars, and it is doubted whether by the said last mentioned act, the corporation established by the former act, be not dissolved: For removing all doubts and difficulties on the said subject,

Explaining the said acts, incorporating the subscribers, and defining their powers.

Be it enacted, That the subscribers of the original sum of ten thousand dollars, and the subscribers of the additional sum of twenty thousand dollars, under the above recited laws, shall be, and are

hereby constituted and appointed a body corporate, under the name of the Quantico company, with all such powers and privileges as were granted to the Quantico company, by the original or subsequent act, "*For opening and improving the navigation of Quantico creek*;" any thing in any other law to the contrary, notwithstanding.

CHAP. 34.—An ACT appointing commissioners to view Willis's river.

(Passed January 16, 1798.)

1. *Be it enacted*, That William Perkins, junior, Charles Yancey, Abraham Venable, Carter Page, Powhatan Bolling, Samuel Allen, and William Evans, gentlemen, or a majority of them, are hereby required to view and examine Willis's river, from the fork thereof upwards; and report to the next session of assembly, how far, in their opinion, it is practicable to open and extend the navigation thereof.

Persons appointed to carry this act into effect, and make report thereof to the general assembly.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 35.—An ACT for opening and extending the navigation of Shenandoah river.

[Passed January 23, 1798.]

Whereas the extension of the navigation of Shenandoah river, will be of public utility, and the Patowmac company having relinquished their right to the opening thereof, on certain conditions: And whereas it may be necessary to cut canals, and erect locks, and other works on both sides of the river, and the legislature of Virginia, impressed with the importance of the object, are desirous of encouraging so useful an undertaking:

1. *Be it therefore enacted by the general assembly*, That it shall and may be lawful to open books in Winchester, under the direction of Robert Macky, Hugh Holmes, and Adam Douglas; in Charlestown, under the direction of George Hite, Thomas Hammond, and Van Rutherford; in Woodstock, under the direction of William H. Dulaney, Robert Gaw, and Isaac Bowman; in Harrisonburg, under the direction of John Koontz, Asher Waterman, and Thomas Harrison; in Staunton, under the direction of Archibald Stewart, Alexander St. Clair, and James Edmondson; and in Martinsburg, under the direction of Philip Pendleton, David Hunter, and Elisha Boyd; which subscriptions shall be made personally, or by power of attorney, in Spanish milled dollars. The said books shall be opened for receiving subscriptions, on the first day of March next, and continue open for this purpose, until the first day of January, in the year one thousand seven hundred and ninety-nine; and on the fifteenth day of the said month of January last mentioned, there shall be a general meeting of the subscribers, at Woodstock, of which meeting, notice shall be given by the said managers, or any three of them, in the Winchester gazette, at least one month next before the said meeting, and such meeting shall and may be continued from day to day, until the business is finished; and the acting managers at the time and place herein after mentioned, shall lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscriptions: And if one half the capital sum herein after mentioned, should, upon examination, appear not to

Persons authorized to receive subscriptions in certain places.

Subscriptions shall commence on the first day of March next, and general meeting of subscribers take place at Woodstock, on 15th January, 1799.

Managers to make report of their proceedings to said meeting.

List of subscribers
to be recorded.

Capital divided
into 600 shares of
200 dollars each—
and proceedings in
case of excess in
the number of
shares.

Proviso.

Subscribers incor-
porated, shall
elect a president
and four directors.
Votes how taken.

have been subscribed, then the said managers at the said meeting, are empowered to take and receive subscriptions, to make up the deficiency, and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any three or more of them, under their hands, into the district court held at Winchester, to be there recorded.

2. And in case more than one hundred and twenty thousand dollars shall be subscribed, then the same shall be reduced to that sum, by the said managers, or a majority of them, by beginning at, and striking off a share from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital aforesaid; or, until a share is taken from all subscriptions above one share; and lots shall be drawn between the subscribers of equal sums, to determine the numbers in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then to strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then lots to be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off, shall be certified in the list aforesaid, and the said capital sum shall be reckoned and divided into six hundred shares, of two hundred dollars each, of which, every person subscribing, may take and subscribe for one or more whole shares, and not otherwise: *Provided*, That unless one half of the said capital shall be subscribed as aforesaid, all subscriptions made in consequence of this act, shall be void; and in case one half, and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall first be offered in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions, shall be made under the hands of the president and directors, or a majority of them, for the time being, and returned to, and recorded in, the district court aforesaid.

3. *And be it further enacted*, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated into a company by the name of the Shenandoah company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company, and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

4. *And be it further enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons, on behalf of the said company, to cut such canals and erect such locks, and perform such other works, as they shall judge necessary, for opening, improving and extending the navigation of the said river, to the highest parts of the north and south branches, to which navigation can be extended, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner, as they shall think fit; and out of the money arising from the subscriptions and the tolls, and the other aids herein after given, to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll gatherers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass, and sign their accounts, and also to make and establish rules of proceeding, and to transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall, by a general meeting of the subscribers be determined: *Provided always*, That the treasurer shall give bond, in such penalty, and with such security, as the said president and directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him for his services, shall not exceed three pounds in the hundred for the disbursements by him made, and that no officer in the said company, shall have any vote in the settlement or passing of his own account.

Power of president and directors in managing the company's concerns, appointing officers, &c.

How compensated for their services.

Treasurer to enter into bond with security, &c.

5. *And be it further enacted*, That the said president and directors, and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Winchester gazette aforesaid, and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for carrying on and executing, or repairing and keeping in order, the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and paid out as the said president and directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay the said proportions within one month after the same so ordered and advertised, as aforesaid, the said president and directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietors so refusing or neglecting payment, giving at least one month's notice of the sale in the Winchester gazette aforesaid. After retaining the sum due and charges of sale, out of the money produced thereby, they shall refund and pay the overplus if any, to the former owner, and if such sale shall not produce the full sum ordered and directed to be advanced, as aforesaid, with the incidental charges, the said president and directors, or a majority of them,

President, &c. to direct when and what proportions of money on each share shall be advanced by subscribers.

Penalty on delinquent subscribers.

may in the name of the company, sue for and recover the balance by action of debt, or on the case, and the said purchaser or purchasers shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor.

President, &c. re-
ligible and re-
moveable at the
pleasure of stock-
holders.

6. And to continue the succession of the said president and directors, and to keep up the same number, *Be it enacted*, That from time to time upon the expiration of the said term for which the said president and directors were appointed, the proprietors of the said company at the next general meeting, shall either continue the said president and directors, or any of them, or shall choose others in their stead, and in case of the death, removal, resignation, or incapacity of the president or any of the said directors, may and shall, in manner aforesaid, elect any other person or persons to be president and directors in the room of him or them so dying, removing or resigning, and may at any of their general meetings remove the president, or any of the directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

President, &c.
shall take oath of
office.

7. *And be it further enacted*, That every president and director before he acts as such, shall take an oath or affirmation for the due execution of his office.

Number of shares
necessary to con-
stitute a general
meeting, which
shall take place
annually, and may
adjourn if neces-
sary from day to
day—and to which
president, &c.
shall render ac-
counts of their
proceedings.

8. *And be it enacted*, That the presence of proprietors having one hundred and twenty-five shares shall be necessary to constitute a general meeting; and that there be a general meeting of proprietors on the first Monday in October annually, at such convenient town as shall from time to time be appointed by the said general meeting, but if a sufficient number should not attend on that day, the proprietors who do attend, may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day, until the business of the company is finished, to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits, arising from the tolls hereby granted, shall be ordered and made to and among all the proprietors of the said company, in proportion to their several shares; and upon any emergency in the interval between the said yearly meetings, the president, or a majority of the said directors, may appoint a general meeting of the proprietors of the said company, at any convenient town, giving at least one month's previous notice in the Winchester gazette, aforesaid, which meeting may be adjourned and continued as aforesaid.

Extra meetings
may be appointed.

Tolls demandable
for the use of this
navigation, which
is hereby vested in
the stockholders,
and forever ex-
empted from taxa-
tion.

9. *And be it further enacted*, That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canals, erecting locks and other works for opening the different falls of the said river, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair; the said canals and works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, forever, as tenants in common, in proportion to their respec-

tive shares, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition, or assessment whatsoever.

10. It shall and may be lawful for the said president and directors, at all times forever hereafter, to demand and receive at Little's falls on the said river, or any place below the same falls which the president and directors or a majority thereof shall fix upon for that purpose, the following tolls or rates, that is to say :

Dolls. Cts.

For every pipe or hogshead of wine, containing more than sixty-five gallons,	66
For every hogshead of rum or other spirits,	55
For every hogshead of tobacco,	44
For every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead, barrels, one fourth part, and smaller casks or kegs in proportion, according to the quality and quantity of their contents of wine or spirits.	
For casks of linseed oil, the same as spirits.	
For every bushel of wheat, peas, beans, or flax seed,	2
For every bushel of Indian corn or other grain, or salt,	1
For every barrel of pork,	22
For every barrel of beef,	15
For every barrel of flour,	11
For every ton of hemp, flax, potash, bar or manufactured iron,	1 10
For every ton of pig iron or castings,	40
For every ton of copper, lead, or other ore, other than iron ore,	90
For every ton of stone, or iron ore,	20
For every hundred bushels of lime,	55
For every chaldron of coals,	20
For every hundred pipe staves,	9
For every hundred hogshead staves, or pipe or hogshead heading,	6
For every hundred barrel staves or barrel heading,	4
For every hundred cubic feet of plank or scantling,	40
For every hundred cubic feet of other timber,	22
For every gross hundred weight of all other commodities and packages,	6
For every empty boat or vessel, which has not commodities on board to yield so much, except an empty boat or vessel returning, whose load has already paid at the aforesaid place the sum fixed, in which case she is to repass toll free,	1 10
which tolls may be discharged in dollars and cents, or other coin made current by law.	

11. And in case of refusal or neglect to pay the tolls at the time of offering to pass through the place aforesaid, and previous to the vessel's passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessel; and if any vessel shall pass without paying the said tolls, then the said collectors may seize such vessel wherever found and sell the same at auction, for ready money, which so far as is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale, and the

Penalty for non-payment of tolls.

Proviso.

balance, if any, shall be paid to the owner: And the person having the direction of such vessel, shall be liable for such toll, if the same is not paid by the sale of such vessel as aforesaid: *Provided*, That the said proprietors, or a majority of them, holding at least three hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

Navigation declared free to all—subject to payment of tolls herein mentioned.

12. *And be it further enacted*, That the said river and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities or produce whatsoever, on payment of the tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said river, and the works thereon erected, shall at any time hereafter be imposed by the general assembly of Virginia.

Land requisite for completion of this work, how acquired.

13. And whereas it is necessary for the making the said canal, locks and other works, that a provision should be made for condemning a quantity of land for the purpose, *Be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant under their hands, to the sheriff of their county to summon a jury of twenty-four inhabitants of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, on a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen who shall appear, "*That he will faithfully, justly and impartially, value the land, (not exceeding in any case the width of one hundred and forty feet) and all damages the owner thereof shall sustain by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person, through fear or affection, nor any person grieve, through malice, hatred or ill will.*" And the inquisition thereupon taken, shall be

Jurors convened for valuing lands, &c. shall be sworn.

Inquisition to be signed by sheriff and jurors, and returned to court and recorded—their valuation of damages, &c. conclusive.

signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative, and on payment thereof, the said company shall be seized in fee, of such land, as if conveyed by the owner to them and their successors by legal conveyance: *Provided nevertheless*, That if any farther damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to, and a warrant from any two justices of the county where the lands lie, to have such farther

Proviso.

damage valued by a jury in like manner, and to receive and recover the same of the said president and directors: But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges, or other water works, or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the said damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

14. *And be it further enacted*, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors, for the purchase of a quantity of land not exceeding one acre, at or near the place of receipt of tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned and paid for as aforesaid, for the purpose aforesaid; and the said company shall, upon payment of the valuation of the said land be seized thereof in fee simple, as aforesaid.

President, &c. to purchase a piece of land near the place of receiving tolls, and proceedings in case of disagreement in the price thereof.

15. And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills, forges and other water works, and the persons possessors of such situations may design to improve the same; and it is the intention of this act not to interfere with private property, but for the purpose of improving and perfecting the said navigation: *Be it enacted*, That the water or any part thereof conveyed through any canal cut or made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had, and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done, to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation concerning the just proportion of the expenses of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid.

Company may not use the water for the purpose of mills, &c. without consent of owners of land through which the same is conducted.

16. *And be it further enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed, executed before two witnesses, and registered, after proof of the execution thereof in the company's books, and not otherwise, except by devise, which devise shall be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls: *Provided*, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for part of such shares; and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors or proprietors of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust, but that every person appearing as aforesaid, to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such; but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Proprietors may sell and transfer their shares.

Proviso.

Number of shares for raising capital proposed by this act, may if necessary, be augmented.

Original proprietors to have preference in subscriptions for such increase.

Same rules to be observed in other respects, which governed in receiving the first subscriptions.

Tolls not demandable unless the navigation is completed.

Benefits of this act done away in case of failure to commence and complete the work in a certain time.

Commencement.

Powers of harbour masters as to bay craft.

Penalty on refractory skippers.

17. *And be it further enacted*, That if the said capital and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital by the addition of so many more whole shares, as shall be judged necessary by the said proprietors, or a majority of them, holding at least four hundred shares, present at any general meeting of the said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Winchester gazette, aforesaid, to open books at the before mentioned places, for receiving and entering such additional subscriptions, in which the proprietors of the said company, for the time being, shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened, as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose: And the said president and directors are hereby required to observe in all other respects the same rules therein, as are by this act prescribed, for receiving and adjusting the first subscriptions, and in like manner to return, under the hands of any four or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the district court aforesaid, as aforesaid, to be there recorded, and all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

18. *And be it hereby declared and enacted*, That the tolls herein before allowed, to be demanded and received at the place or places to be affixed as aforesaid, are granted, and shall be paid on condition only, that the said Shenandoah company shall make the river well capable of being navigated in dry seasons by vessels drawing one foot water, from the highest navigable places on the north and south branches of the said river, to the place aforesaid.

19. *And be it hereby provided and enacted*, That in case the said company shall not begin the said work within nine calendar months after the company shall be formed, or if the navigation shall not be made and improved as aforesaid, in the manner herein before mentioned, within three years after the said company shall be formed, that then the said company shall not be entitled to any benefit, privilege or advantage under this act.

20. This act shall commence and be in force from and after the passage thereof.

CHAP. 36.—An ACT to amend the act, intituled, "An act for the appointment of harbour masters, and declaring their duty."

(Passed January 18, 1798.)

1. *Be it enacted by the general assembly*, That the harbour masters appointed, or to be appointed under the act, intituled, "*An act for the appointment of harbour masters, and declaring their duty*," shall have and exercise full power and authority to regulate the anchoring of the river and bay crafts, that shall come within their respective jurisdictions.

2. Every master or skipper of a river or bay craft, who shall refuse to obey the directions of the harbour master, shall forfeit and pay the sum of two dollars, to be recovered by the harbour master, by warrant before any justice of the peace, which fine shall be ap-

plied towards lessening the county or corporation levies, as the case may be.

3. The harbour master shall be entitled to receive from the master or skipper of each bay or river craft, that shall go within the county dock, or that shall anchor at, or be secured to the county wharf, twenty-five cents, to be recovered in like manner as is prescribed for his other fees. Fees demandable for bay craft.

4. The harbour master shall likewise have power to remove from the county wharf, all flats, lighters, and boats, that may obstruct the passage of ferry boats. And if any owner or master of a flat, lighter, or boat, shall refuse to obey the orders of the harbour master in this respect, every such owner or master, if a free man, shall forfeit and pay one dollar, to be recovered by warrant before any justice of the peace, which fine shall be applied as before directed; and if a slave, he or she shall receive such corporal punishment, as the justice before whom he or she may be carried, shall award, not exceeding twenty lashes. Power of harbour masters as to flats, &c. and penalty on owners thereof disobeying his directions.

5. *And be it further enacted*, That instead of the fees heretofore allowed the harbour masters, they shall be entitled to receive from all masters or commanders of square rigged vessels, two dollars, and for all schooners and sloops, one dollar and twenty-five cents, and no more: *Provided nevertheless*, That no master or skipper of any bay or river craft, shall be subject to the payment of any fee by this act imposed, except those who shall go within any ferry dock, or shall anchor at, or make fast to the county wharves. Fees demandable for square rigged and other vessels. Proviso.

6. This act shall not be so construed as to authorize any harbour master to prevent any bay or river craft from going to, or anchoring at any private wharves. Construction of this act in certain cases.

7. All acts coming within the purview of this act, shall be, and are hereby repealed. Repealing clause.

8. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 37.—An ACT for adding part of the county of Loudon to the county of Fairfax, and altering the place of holding courts in Fairfax county.

[Passed January 3, 1798.]

1. *Be it enacted by the general assembly*, That all that part of the county of Loudon lying between the lower boundary thereof, and a line to be drawn from the mouth of Sugar Land run, to Carter's mill, on Bull run, shall be, and it is hereby added to and made part of the county of Fairfax: *Provided always*, That it shall be lawful for the sheriff of the said county of Loudon to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants of that part of the said county hereby added to the county of Fairfax, and shall be accountable for the same in like manner as if this act had not been made. Part of Loudon county added to Fairfax. Proviso.

2. *And be it further enacted*, That it shall be lawful for a majority of the acting justices of the peace for the said county of Fairfax, together with the justices of the county of Loudon included within the part thus added to the said county of Fairfax, and they are hereby required at a court to be held in the month of April or May next, to fix on a place for holding courts therein at or as near the centre thereof, (having regard to that part of the county of Loudon hereby added to the said county of Fairfax,) as the situation and convenience will admit of; and thenceforth proceed to erect Justices to fix and cause buildings to be erected on a place convenient for holding courts.

the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper.

Commencement. 3. This act shall commence and be in force from and after the passing thereof.

CHAP. 38.—An ACT giving certain powers to the James river company.

(Passed December 23, 1797.)

Company authorized to raise money by loan for the purposes herein.

1. *Be it enacted by the general assembly*, That the James river company shall, and they are hereby authorized to raise by loan or otherwise, a sum or sums of money, and to apply the same to the opening and improving of the branches of James river: *Provided always*, That the prosecution of such works shall not impede the improving of the navigation of the main branch of the said river, as is by law directed.

Time of annual meeting.

2. *And be it further enacted*, That the general annual meeting of the said company, shall hereafter be held on the second Tuesday in December, in every year, instead of the first Monday in October.

May have and use a common seal.

3. *And be it further enacted*, That the said company be permitted to have and use a common seal.

Commencement.

4. This act shall be in force from and after the passing thereof.

CHAP. 39.—An ACT to reduce the number of trustees in the Upper Appamattox company.

(Passed December 23, 1797.)

Number of trustees of the company reduced to thirteen.

1. *Be it enacted by the general assembly*, That the number of trustees appointed by the act passed the twenty-first day of December, one thousand seven hundred and ninety-five, intituled, "*An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appamattox river*," shall at the next election be reduced; and the holders of shares shall then and at all future elections choose only thirteen trustees, a majority of whom shall compose a board to proceed to business; and the said trustees shall be vested with the same powers and continue in office for the like period as prescribed by the said act.

Superintendents, &c. authorized to act in certain cases.

2. Until the number of trustees shall be so reduced, a majority of the superintendents, together with such of the trustees as do attend, shall have power, at any time and place appointed for a meeting of the trustees, to make any order which a majority of the trustees could make, and to do all things necessary for carrying the said recited act into effect.

Repealing clause.

3. So much of the said act as comes within the meaning of this act, is hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 40.—An ACT to repeal the act, intituled, "An act for erecting Liberty Hall academy into a college."

(Passed January 19, 1798.)

Repealing an act herein mentioned.

1. *Be it enacted*, That the act passed at the last session of assembly, intituled, "*An act for erecting Liberty Hall academy into a college*," shall be, and the same is hereby repealed.

Re-enacting the act repealed by the first recited act.

2. *And be it further enacted*, That the act passed in the year one thousand seven hundred and eighty-two, intituled, "*An act for*

incorporating the rector and trustees of Liberty Hall academy," or so much thereof, as may have been repealed by the first recited act, shall be, and the same is hereby revived, and shall remain in as full force to all intents and purposes, as if the said first recited act had never been made: *Provided nevertheless,* That the said academy shall hereafter be called and known by the name of Washington. Proviso.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 41.—An ACT authorizing the common council of the borough of Norfolk to make provision for the support of the poor of the said borough.

(Passed January 11, 1798.)

1. *Be it enacted by the general assembly,* That the common council of the borough of Norfolk shall be, and they are hereby authorized and empowered to levy and assess taxes for the support and maintenance of the poor of the said borough; to make such regulations as to them shall seem proper relative to the poor house and work house already erected, or which they may hereafter think it necessary to erect therein, and annually to appoint overseers of the poor of the said borough; which overseers so to be appointed, shall, in all respects relative to their poor, have all other powers and authorities not expressly given by this act to the said common council, which overseers of the poor, elected for counties, have in their respective counties. Common council of the borough empowered to provide for the poor, and appoint overseers thereof.

2. The court of hustings of the said borough shall not in future have or exercise any of the powers herein vested in the common council or overseers of the poor. Powers of hustings court, and common council distinct.

3. This act shall commence and be in force from and after the first day of May next. Commencement.

CHAP. 42.—An ACT concerning the charity school of Fredericksburg.

(Passed December 28, 1797.)

Whereas Archibald M'Pherson did, by his last will and testament, duly proved and recorded, direct, that his estate therein mentioned, should be sold by the feoffees of the town of Fredericksburg, and the interest arising from the proceeds of such sale, applied by them to the education of poor children, which donation has since become vested in the body corporate of the said town, by act of assembly, incorporating the same: and whereas the said body corporate, in order to carry the intention of the said Archibald M'Pherson into complete effect, have signified their wish, that the said donation may be vested in the trustees of the charity school of the said town: Preamble.

1. *Be it therefore enacted by the general assembly,* That the said donation shall be, and the same is hereby vested in the trustees aforesaid; and the said trustees are hereby authorized and empowered to use and appropriate the interest arising therefrom in such manner, as to them shall seem best, for the advantage and prosperity of the said school. Donation herein mentioned vested in the trustees of the school.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 43.—An ACT incorporating the trustees of the Charlestown academy, in the county of Berkeley.

(Passed December 25, 1797.)

Trustees herein named, incorporated with certain powers.

1. *Be it enacted by the general assembly*, That Elisha Boyd, John Dixon, Edward Tiffin, William Hill, Thomas Rutherford, George North, Alexander White, Ferdinando Fairfax, George Hite, Samuel Washington, Thomas Griggs and Gabriel Nourse, gentlemen, shall be, and they are hereby constituted and appointed a body politic and corporate, to have perpetual continuance, by the name of the Trustees of the Charlestown academy, and by that name may sue and be sued, and may and shall have a common seal, and be enabled to take and hold any estate real or personal, which may have been, or hereafter shall be, given or bought for the use of the said academy.

Number of trustees necessary to constitute a board.

2. A majority of the aforesaid trustees shall be a sufficient number to constitute a board, and may and shall have power to appoint a president and tutors, a secretary and treasurer, and may enact such by-laws, not contrary to any of the laws of this commonwealth, as may conduce to the benefit of the said academy.

Vacancies in the office of a trustee how supplied.

3. In case of the death or removal to the distance of twenty miles from the said academy, resignation, or other legal disability of any of the aforesaid trustees, a majority of the remainder may have power to appoint other or others in his or their stead.

Trustees may receive and enforce payment of subscriptions.

4. The trustees aforesaid may and shall have power to receive subscriptions to the use of the said academy, and to enforce payment by suit, in case any shall fail or refuse to comply with their said subscriptions.

Commencement.

5. This act shall commence in force from the passing thereof.

CHAP. 44.—An ACT authorizing the register of the land-office to deliver original plats and certificates of survey in certain cases.

(Passed January 11, 1798.)

Register authorized to redeliver original plats of survey for certain lands herein described.

1. *Be it enacted by the general assembly*, That the register of the land office be, and he is hereby authorized and directed, to deliver to any person or persons, authorized to receive the same, the original plats and certificates of survey, returned to his office, for lands situated between the Scioto and Little Miami rivers, and for which grants may have been issued in consideration of military services.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 45.—An ACT to repeal in part certain acts relating to certain roads therein mentioned.

(Passed January 23, 1798.)

Repealing part of certain acts herein recited.

1. *Be it enacted by the general assembly*, That so much of the act establishing the turnpike road from Ashby's gap, in the county of Fauquier, and from Snicker's and Vestal's gap, in the county of Loudon, to the town of Alexandria, as also from Georgetown to the said town of Alexandria, as compels the male labouring tithables living within three miles of the aforesaid roads, to work thereon, shall be and the same is hereby repealed: *Provided always*, That nothing herein contained, shall be construed to exempt the said tithables from working on roads pursuant to the act, intituled, "*An act concerning public roads*," and pursuant also to the act, intituled,

Proviso.

"An act authorizing the courts of Loudon and Fauquier, to keep a certain road in repair."

2. The commissioners and their successors, shall have the power of regulating the funds arising under the first recited act, in like manner as if this act had not been made. Power of commissioners over certain funds.

3. And be it further enacted, That it shall and may be lawful for the said commissioners, if to them it shall seem proper, to remove the turnpike gate, at present fixed upon the road leading from the town of Alexandria to Georgetown, and place the same on such part of the said road, leading into the town of Alexandria, from Vestal's gap, as to them shall seem most proper for securing the said tolls from carriages travelling the last mentioned road: *Provided*, That such removal shall not exceed half a mile from the place at which said turnpike gate now stands: *Provided likewise*, That the money hereafter received at the turnpike gates, shall first be applied to the payment of debts now due by the said commissioners. Commissioners may remove the turnpike gate on the road from Alexandria to Georgetown. Proviso. Further proviso.

4. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 46.—An ACT adding certain lots to the town of Petersburg, and for other purposes therein mentioned.

(Passed January 11, 1798.)

Whereas it is represented that in the town of Petersburg, from Durell's tavern, at the north-east end of the Old street, in what is called the old town of Petersburg, to Sycamore street, on the south-west boundary of the new town, no street or other highway is laid off, except a common thirty feet road, upon which incroachments have been and are continued to be made, to the great injury and inconvenience of the citizens of the said town: Preamble.

1. Be it therefore enacted, That Joseph Jones, Christopher McConnico, William Harrison, William Cole, James Skelton Gilliam, James Campbell and John Grammar, gentlemen, or any four of them, be, and they are hereby appointed commissioners, with full power and authority to lay off, at its present average width, the aforesaid street, as it now runs, from Durell's tavern to Sycamore street, which, when so laid off, shall be, and is hereby established as a street of the said town: And should any person or persons thereafter build, or attempt to build or rebuild within four feet of the same, it shall and may be lawful for the mayor and commonalty of the said town, by their order, to cause to be pulled down and destroyed, any building so erected or attempted to be erected. Persons appointed commissioners to lay off streets. Penalty for incroachment on streets after being laid off.

2. And whereas a certain Erasmus Gill hath laid off into lots and streets, a certain piece or parcel of land, adjoining the said town: Be it further enacted, That the said commissioners, or any four of them, be, and they are hereby empowered and required, to ascertain as well the lots and streets, so as aforesaid laid off, and included in a plat thereof, made by the said Erasmus Gill, as the lots and streets where the same may not be well known in the other parts of the said town; and to make a fair plat thereof, which shall be returned to the common hall of the said town, to be safely kept by their clerk; and the said lots and streets, when so ascertained, shall be, and are hereby established as such, and those so as aforesaid laid off by the said Erasmus Gill, annexed to, incorporated Commissioners empowered to ascertain certain streets heretofore laid off, which are thereafter to be taken as part of the town.

with, and considered as a part of the said town, subject to the same jurisdiction and regulations as the other parts thereof.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 47.—An ACT for clearing and repairing the waggon road from the state road, to or near the mouth of the Little Kanawha river.

(Passed January 18, 1798.)

Court of Harrison county to levy on the tithables thereof a sum of money for the purposes herein mentioned.

1. *Be it enacted by the general assembly*, That the court of the county of Harrison, shall, and they are hereby required, to levy on the tithable persons therein, from time to time, so much money as shall be sufficient to defray the expense of altering, clearing and keeping in repair the waggon road from the state road, to or near the mouth of the Little Kanawha, to be collected and accounted for in like manner, as by law prescribed for other county levies; and the said court are hereby empowered, from time to time, to make such order or orders herein, as to them shall seem necessary, for carrying into full effect this act: *Provided*, That the sum or sums so to be raised, shall not exceed one thousand dollars, in any term of two years.

Proviso.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 48.—An ACT concerning the public square.

(Passed January 24, 1798.)

Reservoirs to be made and money appropriated for the expense thereof.

1. *Be it enacted by the general assembly*, That the directors of the public buildings cause one or more reservoirs for water, to be constructed on the public square, for the purpose of securing the capitol against accidents by fire; and that the executive be authorized to order payment therefor, on a certificate from the directors aforesaid; provided the expense of the said reservoirs does not exceed the sum of one thousand dollars.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. 49.—An ACT to revive an act, intituled, "An act to increase the reward for killing wolves in certain counties."

(Passed January 24, 1798.)

Reward of four dollars for killing wolves in certain counties.

1. *Be it enacted by the general assembly*, That every person who shall kill or destroy any wolf above the age of six months, in the counties of Pendleton, Pittsylvania, Montgomery, Rockingham, Grayson, Botetourt and Washington, shall have a reward of four dollars; and for every wolf under the age of six months, to be adjudged by the justice before whom the head shall be brought, two dollars; and that every person who shall kill or destroy any wolf above the age of six months old, in the counties of Buckingham, Amherst, Bedford, Hardy, Campbell, Hampshire, Frederick, and Berkeley, shall receive a reward of ten dollars; and for every wolf under the age of six months, five dollars; to be levied and paid in the county where the same was killed, in like manner as other county charges are annually levied and paid, the party or parties entitled thereto producing a certificate or certificates thereof, obtained in manner required by this act.

Reward of ten dollars in certain other counties and mode of paying said rewards.

Persons claiming such reward, shall take an oath

2. Every person claiming such reward shall produce the whole head of every wolf to a justice of the peace of the county, wherein

the same was killed or destroyed, and shall then also before the same justice make oath or affirmation to the effect following, that is to say: "*I, A. B. do swear, that the head or heads (as the case may be) of the wolf or wolves by me now produced was killed and destroyed in the county of C. So help me God.*" And thereupon the justice shall grant to the wolf killer a certificate reciting his name, the number of heads produced, either of old wolves, or such as in his judgment appear not to exceed six months; the time and place when and where killed, and that oath or affirmation or other sufficient proof thereof hath been-made before him; which being produced to the court laying the levy, shall entitle the party or parties therein named, to the reward aforesaid; but no claim or demand for the same shall be received or allowed without such certificate: *Provided always*, That every justice of the peace shall cause the ears of all wolves' heads brought before him to be cut off in his presence, and shall not grant a certificate for any scalp.

where the wolf
was killed for
which he claims
such reward, &c.

Proviso.

3. All and every act or acts coming within the meaning of this Repealing clause. act, is hereby repealed.

4. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 50.—An ACT making provision for carrying into effect, an act, intituled, "An act for appointing commissioners to superintend the opening a road from Elk river in Kanawha county to the mouth of the Great Kanawha river."

(Passed January 24, 1798.)

Whereas it is represented to the present general assembly, that the commissioners appointed by an act passed in the year one thousand seven hundred and ninety-four, intituled, "*An act for appointing commissioners to superintend the opening a road from Elk river in Kanawha county, to the mouth of the Great Kanawha river,*" have agreeably to the directions of the said act, had a road opened from the mouth of Elk river, to the mouth of the Great Kanawha river, and have also had a road opened through the narrows of Gauley, and issued certificates to the persons concerned in making the road to Great Sandy river, for the sums to which they respectively appeared to be entitled, but that the provisions made by the act aforesaid, are insufficient for the discharge of the several sums which the said commissioners have engaged to pay:

Preamble.

1. *Be it therefore enacted*, That the taxes of the said county of Kanawha, as well those now due, as those which may hereafter become due, shall be a fund for the discharge of the several sums the said commissioners have under the aforesaid act engaged to pay, in manner following: The said commissioners shall produce to the auditor of public accounts, a statement of their proceedings, containing the time at which they let the several roads, the persons to whom, and the sums for which they let the same, and also an exact account of the monies they may have paid to the several undertakers; which statement shall be signed by the commissioners, or a majority of them. All monies which have been, or shall be hereafter paid into the treasury by any sheriff or collector of the county of Kanawha, and also all monies paid by any person or persons or by any sheriff or collector, on account of lands lying in the said county of Kanawha, shall be appropriated to the purpose of discharging all claims on account of the aforesaid roads: *Pro-*

Taxes of Kana-
wha county ap-
propriated for car-
rying into effect
this, and one other
act herein recited.

Proviso.

vided however, That no claims shall be allowed, exceeding the sum of fifteen hundred pounds.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 51.—An ACT to establish an inspection of tobacco on the lands of Meades Anderson, in the county of Halifax.

[Passed January 10, 1798.]

An inspection of tobacco established on the lands of M. Anderson.

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and the same is hereby established on the lands of Meades Anderson, at the Great falls of Banister river, in the county of Halifax, who shall build convenient houses at his own expense, to be called and known by the name of Anderson's warehouse.

Salary of the inspectors thereat.

2. There shall be allowed and paid annually, to each of the inspectors at the said warehouse, the sum of one hundred dollars for their salary.

Duties of the inspectors in the transportation of tobacco.

3. The inspectors at the said warehouse, upon the delivery of their notes, or an order, where they have not issued notes, shall deliver the tobacco for transportation, with a printed manifest, expressing the owner's name, the name of the skipper of the batteau or canoe, with the marks, number and weight of the tobacco, and stamped with the warehouse name.

Impost on tobacco inspected at this warehouse, how collected, &c.

4. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Inspectors at this warehouse when and how appointed.

5. So soon as convenient houses for the reception of tobacco, shall be built by the said Meades Anderson, the court of the said county of Halifax shall recommend fit persons to be commissioned inspectors thereof.

Notes issued from this inspection not receivable in prior contracts.

6. No person shall be obliged to receive any notes for tobacco passed at the said warehouse in discharge of any tobacco contract heretofore entered into: *Provided always*, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges, and the inspectors' salaries, the deficiency shall not be paid by the public.

Commencement.

7. This act shall commence and be in force from and after the passing thereof.

CHAP. 52.—An ACT to establish a town, and an inspection of tobacco on the lands of John Nelson, in the county of Mecklenburg, and for other purposes.

[Passed January 15, 1798.]

The town of Nelson established, and names of the trustees thereof.

1. *Be it enacted by the general assembly*, That one hundred acres of land, the property of John Nelson, lying on Staunton river, in the county of Mecklenburg, shall be, and they are hereby vested in Richard Kennon, Peyton Skipwith, Henry Speed, William Marshall, Robert Boyd, William Boyd, Thomas Wilson, Joseph Townes, and William Munford, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Nelson.

Manner of disposing of lots therein, conditions of sale, &c.

2. So soon as the said land shall be laid off into lots, the said trustees, or a majority of them, shall proceed to sell the same, at public auction, for the best price that can be had, the time and place of such sale being first advertised two months in some one of

the newspapers printed in Petersburg or Richmond, and to convey the said lots to the purchasers in fee, subject to the condition of building on each, a dwelling house, equal to twelve feet square at least, with a brick or stone chimney, to be finished fit for habitation within five years from the day of sale, and pay the money arising from such sales, to the said John Nelson, or his legal representatives.

3. The trustees of the said town, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem most proper, and to settle and determine all disputes concerning the bounds of the lots.

4. So soon as the purchasers of lots in the said town shall have built thereon, according to the conditions of their respective deeds of conveyance, they shall then be entitled to, and have and enjoy the same rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

5. Vacancies, by the death, resignation, or removal out of the county of any one or more of the said trustees, the same shall be supplied in manner prescribed by the act of assembly, passed on the eleventh day of December, one thousand seven hundred and seventy-eight, intituled, "*An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*"

6. And whereas it hath been represented, that it will be of public utility, to establish an inspection of tobacco on the lands of the said John Nelson, adjoining the said town, who is willing to build the necessary houses, at his own expense: *Be it therefore enacted*, That an inspection shall be, and the same is hereby established on the lands of the said John Nelson, adjoining the said town of Nelson, in the said county of Mecklenburg, to be called and known by the name of the Fork warehouse.

7. There shall be allowed and paid annually, to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public:

8. The inspectors at the said warehouse, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the bateau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number, and weight of the tobacco, and stamped with the warehouse name; which tobacco, when delivered to a waggon, shall be by the driver thereof delivered, with the manifest, to the inspectors at any of the warehouses which now are, or shall be hereafter established in the towns of Petersburg or Manchester, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same, to the owners thereof, and be delivered for exportation when required.

9. The inspectors at the last mentioned warehouses, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or

Power of the trustees.

Privileges of purchasers of lots in said town.

Vacancies in the office of a trustee how supplied.

An inspection of tobacco established adjoining the said town of Nelson.

Salary of the inspectors thereat. Proviso.

Duties to be performed by the said inspectors in the transportation of tobacco from the said warehouse.

Concerning tobacco received from the aforesaid inspection, by the

inspectors at Petersburg and Manchester, the warehouse rent thereon, and how appropriated.

embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco. The inspectors at each of the said warehouses in Petersburg and Manchester, shall demand and receive for all tobacco brought to the said warehouses, by virtue of this act, the same warehouse rent, as is allowed for tobacco reloaded from on board any vessel, and be appropriated in like manner, as the tax or rent of such reloaded tobacco is by law directed.

Impost on tobacco inspected at this warehouse, and how collected, &c.

10. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Court to recommend fit persons for inspectors.

11. So soon as convenient houses for the reception of tobacco, shall be built by the said John Nelson, the court of the said county of Mecklenburg, shall recommend fit persons to be commissioned inspectors thereof.

Notes not receivable in discharge of prior contracts.

12. No person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into.

A ferry established across Dan and Staunton river, the rates for passing the same, and governed by the general regulations concerning ferries.

13. *And be it further enacted*, That a ferry shall be established from the land of the said John Nelson, in the county of Mecklenburg, across the thoroughfare of Dan and Staunton, to the opposite shore; and there shall be paid at the said ferry, for a man, four cents, and for a horse the same; for every coach, waggon, chariot, and the driver, the same as for six horses; for every four wheeled chaise, phaeton, and driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; for every sheep, hog, goat, or lamb, one fifth part of the ferriage for one horse; and the said ferry shall be subject to the same rules and regulations with other ferries by law established.

Commencement.

14. This act shall commence and be in force from and after the passing thereof.

CHAP. 53.—An ACT to authorize Landon Carter to build a toll bridge over the north branch of Rappahannock river.

(Passed December 25, 1797.)

Toll bridge authorized to be erected over Rappahannock river.

1. *Be it enacted by the general assembly*, That it shall be lawful for Landon Carter, his heirs and assigns, to erect a bridge from his land at Norman's ford in the county of Culpeper, over the north branch of Rappahannock river.

Rates for passing the same and when demandable.

2. So soon as the said bridge shall be completed, it shall be lawful for the said Landon Carter, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man five cents, and for a horse the same; and for the passage of wheel carriages, tobacco, cattle, and other beasts over the said bridge, the said Landon Carter, his heirs and assigns, may demand and take the following tolls, that is to say: For every coach, chariot, four wheel chaise, or waggon, and the driver thereof, the same as for six horses; for every cart, two wheel chaise, or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat, or lamb, one fifth part of the

ferriage for one horse; and for every hog, one fourth part of the ferriage for one horse, and no more.

3. If the collector of tolls at the said place, shall demand and receive from any person, greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and ten shillings, to be recovered with costs, before a justice of the peace of the said county.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 54.—An ACT to establish an inspection of tobacco on the lands of Ichabod Hunter and John Epperson, in the county of Buckingham.

(Passed January 10, 1798.)

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and the same is hereby established on the lands of Ichabod Hunter and John Epperson, at the Cut Banks in the county of Buckingham, who shall build convenient houses at their own expense, to be called and known by the name of Epperson warehouse.

2. There shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary.

3. The inspectors at the said warehouse upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name; which tobacco when delivered to a waggon, shall be by the driver thereof delivered with the manifest to the inspectors at any of the warehouses which now are, or shall be hereafter established, in the towns of Petersburg or Manchester, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required.

4. The inspectors at the last mentioned warehouses, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco: And the inspectors at each of the said warehouses in Petersburg and Manchester, shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco reloaded from on board any vessel, to be appropriated in like manner as the tax or rent of such reloaded tobacco is by law directed.

5. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

6. So soon as convenient houses for the reception of tobacco shall be built by the said Ichabod Hunter and John Epperson, the court

Penalty for receiving greater rates than are allowed hereby and how recoverable.

Commencement.

An inspection of tobacco established at the Cut Banks in Buckingham county.

Salary of the inspectors thereat.

Duties to be performed by the said inspectors in the transportation of tobacco from the said warehouse.

Concerning tobacco received from the aforesaid inspection by the inspectors at Petersburg or Manchester—the warehouse rent thereon—and how appropriated.

Duty on tobacco inspected at this warehouse, and how collected, &c.

Inspectors at this warehouse when and how appointed.

of the said county of Buckingham shall recommend fit persons to be commissioned inspectors thereof.

Notes of this inspection not receivable in contracts prior to its establishment.

7. No person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into: *Provided always*, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 55.—An ACT directing the mode of appointing the public printer, prescribing his duties, and for other purposes therein mentioned.

[Passed January 22, 1798.]

Public printer—how appointed.

1. *Be it enacted*, That the public printer shall be appointed annually by joint ballot of both houses of assembly: *Provided*, That the present public printer, Augustine Davis, shall continue in office until the next session of assembly.

Services to be performed by him.

2. And to prevent misunderstanding concerning the duties of the public printer, *Be it further enacted*, That he shall within thirty days after the rising of the assembly, publish all laws passed during the session; that he shall publish the journals of the house of delegates, regularly during such session; that he shall publish in his gazette or otherwise, as the same may be directed, all intelligence, notices of particular laws, proclamations and advertisements from the executive: also all orders and advertisements directed to be published by the supreme courts, the treasurer, the auditor, attorney general, justices of the peace and other public persons or bodies acting in their public capacity, and to supply the executive, treasurer, auditor and inspectors with blanks: but nothing herein expressed shall prevent the public printer from taking any fee which the law may have specially pointed out for any of the foregoing services.

Proviso.

Annual salary allowed him.

3. And whereas it has been represented to this present general assembly, that the compensation heretofore allowed the public printer is inadequate to his services, it not being an indemnification for the labour, materials found, and other articles absolutely necessary to the carrying on the said business: *Be it therefore further enacted*, That the annual sum of two thousand seven hundred dollars be allowed the said printer, as a compensation for his services, and that the auditor be directed to issue his warrant upon the treasurer for the sum aforesaid.

Vacancy in the office of public printer during the recess of the general assembly, how supplied, &c.

4. *And be it further enacted*, That when a vacancy shall happen in the office of the said printer, during the recess of the assembly, by his death, resignation or removal, such vacancy shall be supplied by the executive, to continue until the meeting of the legislature, who shall, as soon as convenient thereafter, proceed to the appointment of a printer, in manner and form herein prescribed: And such person appointed by the executive, shall be paid for his services, such proportion of the above sum as the executive may deem equitable and just, under such appointment of the executive.

Repealing clause.

5. All and every act or acts, and parts of acts, coming within the purview of this act, shall be, and are hereby repealed.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 56.—An ACT to authorize the receipt of tolls at the bridge built over Buffalo creek, in the county of Brooke, for a limited time.

[Passed January 15, 1798.]

Whereas it hath been represented that Oliver Brown, Alexander Wells, James Marshal, John Connel and Robert Caldwell, have, at considerable expense, erected a bridge over Buffalo creek, in Charlestown, and county of Brooke, which will prove a public convenience; and they have petitioned this assembly, to pass an act authorizing them to receive reasonable tolls from passengers, in order to reimburse the expense of building the said bridge, which it hath been judged expedient to do:

1. *Be it therefore enacted*, That it shall and may be lawful for the said Oliver Brown, Alexander Wells, James Marshal, John Connel and Robert Caldwell, their respective executors, administrators or assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man, four cents, and for a horse the same; and for the passage of other things, the following rates, that is to say: For every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every phaeton or four wheeled chaise, and the driver thereof, the same as for four horses; for every riding chair and cart, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; and for every sheep, goat, lamb or hog, one fifth part of the ferriage for one horse, and no more.

Tolls and rates for passing the bridge herein mentioned.

2. If the collector of tolls at the said bridge shall demand and receive from any person, greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars; to be recovered with costs, before a justice of the peace of the said county.

Penalty for receiving greater rates than are hereby allowed.

3. This act shall commence and be in force from and after the passing thereof, and continue in force during the term of seven years, and no longer.

Commencement and duration.

CHAP. 57.—An ACT to fix the tolls for passing Thomas Mason's bridge, over Occoquan river.

[Passed January 2, 1795.]

1. *Be it enacted by the general assembly*, That it shall be lawful for Thomas Mason, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing over his bridge, erected across Occoquan river, opposite to the town of Colchester, that is to say: For a man six cents, and for a horse the same: And for the following things, the collector of the said tolls may demand and take the following rates, that is to say: For every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every phaeton, four wheeled chaise or cart, and the driver thereof, the same as for four horses; for every two wheeled chair, as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; and for every sheep, goat, lamb or hog, one fourth part of the toll for one horse, and no more.

Rates allowed for passing the bridge herein mentioned.

2. If the collector of the tolls shall demand and receive any greater rates than are hereby allowed for the passage of any thing, he shall for every such offence, forfeit and pay to the party grieved,

Penalty for receiving greater rates, and how recoverable.

the tolls demanded and received, and two dollars; to be recovered with costs before a justice of the peace of the county, where the offence shall be committed.

Commencement. 3. This act shall commence and be in force from and after the passing thereof.

CHAP. 58.—An ACT to repeal the act, intituled, "An act for killing squirrels or crows in certain counties."

(Passed January 19, 1793.)

Act herein recited repealed.

1. *Be it enacted by the general assembly, That the act, intituled, "An act for killing squirrels or crows in certain counties,"* passed on the sixteenth day of December, one thousand seven hundred and ninety-six, is hereby repealed.

Commencement. 2. This act shall commence and be in force from and after the passing thereof.

CHAP. 59.—An ACT to establish several towns.

(Passed January 15, 1793.)

Town of Planters-town established in Buckingham county, and trustees thereof.

1. *Be it enacted by the general assembly, That twenty-five acres of land, the property of Ichabod Hunter and John Epperson, lying at the Cut banks in the county of Buckingham, shall be, and they are hereby vested in William Perkins, jun., Charles Yancey, John Johns, Joel Watkins, Daniel Moseley, Henry Flood, Nathaniel Lancaster, Robert Kelsor, Anthony Winston and Stephen Petis, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Planterstown:*

Town of Fayetteville established in Fauquier county, and trustees thereof.

That thirty acres of land, the property of Austin Miskell, John Overall, Benjamin Bronaugh, Peter Lucas, Howson Duncan, and Armistead Blackwell, in the county of Fauquier, shall be, and they are hereby vested in Robert Lewis, William Brent, senior, James Weathers, son of Cain, John Blackwell and Robert Hunton, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Fayetteville: Provided always, That the trustees of the said town of Fayetteville, shall not interfere (in laying off the said lots) with any lot already laid off or built upon:

Town of Meadesville established in Halifax county, and trustees thereof.

That twenty-one acres of land, the property of Meades Anderson, lying at the Great falls of Bannister river, in the county of Halifax, shall be, and they are hereby vested in David Bates, William M'Daniel, John B. Scott, Epaphroditus Sydnor, Robert D. Milner, William Hudson and Joseph Petty, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Meadesville:

Town of Clerksburg established in Culpeper county and trustees thereof.

That twenty-five acres of land, the property of William Clerk, lying in the county of Culpeper, shall be, and they are hereby vested in Thomas Spliman, John Reed, John Pendleton, Benjamin Ferguson, Samuel Ferguson, Henry Pendleton, junior, and Thomas Bywaters, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Clerksburg:

Town of Buckland established in P. William county, and trustees thereof.

That the lots and streets, as the same are already laid off by John Love, on his land lying on both sides of Broad run, and near to the mill of the said John Love, in the county of Prince William, shall

be established a town by the name of Buckland; and William Tyler, Alexander Scott, Briton Sanders, Robert Thrift, William Brooks, Richard Gill, William Hunton, Edward Carter and Thomas Hunton, gentlemen, constituted trustees thereof:

That twenty-four acres of land, lying in the county of Culpeper, the property of James Basye, shall be, and they are hereby vested in Joseph Basye, William Howe, Gabriel Green, Anthony Haynie, John Puller, William F. Grant, and John Corbin, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Jamestown:

Town of James-town established in Culpeper county, and trustees thereof.

That the lots and streets as the same are already laid off on the lands of John Smith, the younger, and William Smith, lying in the county of Berkeley, shall be established a town by the name of Smithfield; and John Packett, Moses Smith, John Smith, Jacob Reese, Joseph Grentham, and John Grentham, junior, gentlemen, constituted trustees thereof:

Town of Smith-field established in Berkeley county, and trustees thereof.

That forty acres of land, the property of Robert Gregg, and Charles Buck, lying in the county of Culpeper, shall be, and they are hereby vested in William Thornton, John S. Slaughter, John Thornton, Thomas Broadus, Aylett Hawes, Lewis Connor, William Slaughter, James Green, and John Strother, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Woodville:

Town of Woodville established in Culpeper county, and trustees thereof.

That fifty acres of land, the property of Judith Randolph, lying near Rutledge's bridge in the county of Prince Edward, shall be, and they are hereby vested in Charles Scott, Peter Johnson, John Randolph, junior, Philip Holcombe, junior, Martin Smith, Blake B. Woodson, and Creed Taylor, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Farmville:

Town of Farmville established in Prince Edward county, and trustees thereof.

That twenty acres of land, the property of Benjamin Berry, and Sarah Strebbling, in the county of Frederick, as the same are already laid off into lots and streets, be established a town by the name of Berryville; and William M'Guire, Archibald Magill, Daniel Morgan, Rawleigh Colston, John Milton, Thomas Strebbling, George Blackmore, Charles Smith, and Busbrod Taylor, gentlemen, constituted trustees thereof, who, or a majority of whom, shall have the like powers with the trustees of any other town in this commonwealth not incorporated:

Town of Berryville established in Frederick county, trustees thereof, and their powers.

That thirty acres of land, the property of John Heath, Thomas D. Downing, and Thomas W. Hughlett, adjoining to the courthouse, in the county of Northumberland, shall be, and they are hereby vested in Thomas Gaskins, Walter Jones, John Heath, Catesby Jones, John Cralle, Thomas W. Hughlett, and Thomas D. Downing, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Heathville:

Town of Heathville established in Northumberland county, and trustees thereof.

That twenty-five acres of land, the property of Robert Yancey, and company, lying in the county of Louisa, shall be, and they are hereby vested in William O'Callis, Samuel Terrill, John Overton, Thomas Meriwether, senior, James Winston, Henry Garrett, David Bullock, Christopher Smith, and Charles Barrett, gentlemen,

Town of Yanceyville established in Louisa county, and trustees thereof.

trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Yanceyville:

Town of Belfield established in Greensville county, and trustees thereof.

That the lots and streets, as the same are already laid off by Belfield Starke, the proprietor thereof, at Hicks's ford, in the county of Greensville, shall be established a town by the name of Belfield; and Thomas Cocke, William Maclin, John Blunt Turrer, William W. Wilkins, John Goodwin, and John Camp, gentlemen, constituted trustees thereof.

General regulations in sale of lots situated in the aforesaid towns.

2. So soon as the said lands, where the same hath not already been done, shall respectively be laid off into lots, the trustees thereof, and also of the said towns of Buckland, Smithfield, and Belfield, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of such sales being respectively advertised for two months successively, previous thereto, in some one of the newspapers within this commonwealth, and to convey the said lots to the purchasers in fee, subject to the condition of building on each, a dwelling house equal to twelve feet square at least, with a brick or stone chimney, to be finished fit for habitation within seven years from the day of sale, and pay the money arising from such sales to the proprietors of the said lands respectively, or their legal representatives: *Provided always*, That nothing herein contained, shall be construed to authorize the trustees of the towns of Buckland and Smithfield, in the counties of Fauquier and Prince William, to sell any lots on which the proprietors of the lands shall have built a house.

Proviso.

Power of trustees of the said towns.

3. The trustees of the said towns respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots.

Penalty on purchasers of lots failing to build thereon according to conditions of sale.

4. If the purchaser of any lot in either of the said towns shall fail to build thereon, within the time limited in his deed of conveyance, the trustees of the said town, where the lot has been sold by them, and where such failure happens, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town. Vacancies by death or otherwise, of any one or more of the trustees of the said towns respectively, shall be supplied in manner prescribed by an act of assembly, passed in the year one thousand seven hundred and seventy-eight, intituled, "*An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*"

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 60.—An ACT extending the jurisdiction of the mayor and commonalty of the town of Alexandria, and for other purposes.

[Passed January 8, 1798.]

Preamble.

Whereas by an act of assembly, passed in the year one thousand seven hundred and ninety-six, intituled, "*An act adding to the town of Alexandria, certain lots contiguous thereto, and for other purposes therein mentioned,*" it is enacted, "that certain improved lots, and all others as they become so improved, within the bounds in the said act mentioned, be added to and made part of the said town of Alexandria," thereby leaving out of the jurisdiction of the

mayor and commonalty of the said town, the unimproved lots within the limits aforesaid, as long as they shall so remain unimproved; by which means the prosperity of the said town is in a great degree prevented:

1. *Be it therefore enacted*, That the unimproved lots within the limits aforesaid, shall be, and are hereby incorporated with, and considered as a part of the said town of Alexandria, and subject to the same regulations as the other parts thereof. Unimproved lots in Alexandria incorporated with other parts thereof.

2. The mayor and commonalty of the said town, are hereby authorized and empowered, whenever they may deem it proper, to open, extend, regulate, pave and improve the streets of the said town: *Provided however*, That they shall make to every person or persons injured by the extension of any of the said streets, such compensation out of the funds of the corporation, as to the said mayor and commonalty shall appear to be just. Powers of the mayor, &c. over streets. Proviso.

3. And whereas the inhabitants of the said town sustain considerable inconveniences, and the interest and prosperity thereof are much impeded, in consequence of the erection of a rope walk by a certain Charles Alexander, and now leased to Joseph Harper and Samuel G. Harper, extending across sundry streets of the said town: *Be it therefore enacted*, That it shall and may be lawful for the court of Fairfax county, and it is hereby empowered and re-

quired, on application of the said mayor and commonalty, to direct its clerk to issue a writ in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of that county, commanding him to summon and impanel twelve fit persons, being freeholders, residing within his county and without the limits of the said town, to meet upon the land at or near the said rope walk, on a certain day to be named by the court, and inserted in the said writ, of which reasonable notice shall be given by the sheriff, to the said Joseph Harper and Samuel Harper. A rope walk within the limits of the town to be discontinued. Jury of inquest to be summoned, &c.

4. The said freeholders on appearing, shall be charged by the said sheriff, on their oaths, impartially and to the best of their judgment, to view the premises, and to say to what damage it will be to the proprietor or tenants thereof, to remove the said rope walk and its appurtenances. Jury shall be sworn to act impartially.

5. The inquest so made and sealed by the said jurors, together with the writ, shall be returned by the said sheriff to the succeeding court, and a copy thereof transmitted by the clerk to the mayor and commonalty of the said town, who shall thereupon order the damages found by the jury to be paid to the party or parties entitled to the same, and after payment or a tender thereof, it shall be lawful for the said mayor and commonalty to remove the said rope walk, and all other obstructions occasioned by the erection thereof. Inquest to be returned and compensation to the proprietor, how made, &c.

6. *And be it further enacted*, That the jurisdiction of the mayor and commonalty of the said town, shall extend to all vessels lying at any wharf, projecting from the said town; and also to all vessels made fast to others lying at the wharves, or in the docks, or waters within the wharves. Jurisdiction of the mayor, &c. extended to vessels lying at wharves, &c.

7. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 61.—An ACT to establish several new ferries.

[Passed January 13, 1798.]

Ferries established and rates for passing the same.

Across Ohio river from land of W. Denny.

Across Ohio river from land of J. Tomlinson.

Across Ohio river from land of J. Atkinson.

Across Ohio river from land of J. Nicholls.

Across Dan river from land of J. Southerlin.

Across Little Kanawha river from the land of John Stockeley.

Rates of ferriage for carriages, cattle, &c.

Penalty for receiving greater rates than herein allowed, and how recoverable.

Commencement.

1. *Be it enacted by the general assembly*, That ferries be constantly kept at the places hereafter mentioned, and the rates for passing the same, as followeth, that is to say :

From the land of Walter Denny, in the county of Ohio, across Ohio river, to the land of Andrew Woods on the opposite shore, the price for a man, eight cents and for a horse the same :

From the land of Joseph Tomlinson, in the county of Ohio, at the mouth of Little Grave creek, across Ohio river, to the opposite shore, the price for a man, eight cents and for a horse the same :

From the land of John Atkinson, in the county of Ohio, across Ohio river, to the land of David Cloyd, on the opposite shore, the price for a man, eight cents, and for a horse the same :

From the land of John Nicholls, in the county of Ohio, across Ohio river, to the opposite shore, the price for a man eight cents, and for a horse the same :

From the land of John Southerlin, in the county of Pittsylvania, across Dan river, to his land on the opposite shore, the price for a man four cents, and for a horse the same :

From the land of John Stockeley, in the county of Harrison, across Little Kanawha river, to his land on the opposite shore, the price for a man, four cents, and for a horse the same.

2. The transportation of the following things, shall be at the rates hereafter mentioned, that is to say : For every coach, chariot, waggon, and the driver, the same as for six horses ; for every four wheeled chaise, phaeton, and driver, the same as for four horses ; for every two wheeled riding carriage, the same as for two horses ; for every hogshead of tobacco, the same as for one horse ; for every head of neat cattle, the same as for one horse ; for every sheep, hog, goat, or lamb, one fifth part of the ferriage for one horse.

3. If the ferry keeper at either of the aforesaid places, shall demand and take from any person, a greater sum for the ferriages than is allowed by this act, such offender shall forfeit and pay to such person the ferriage demanded and received, and two dollars for every such offence, recoverable before a justice of the peace of the county.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 62.—An ACT concerning the building of iron works on the west fork of Monongalia river.

[Passed January 5, 1798.]

Dams may be erected over the west fork of Monongalia river.

Proviso.

Time allowed for completing iron

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the proprietor or proprietors of iron works on the west fork of Monongalia river, to erect one or more dams across the same, so high as to afford sufficient depth of water to work the same : *Provided always, and be it further enacted*, That slopes shall be erected at the end of every such dam in like manner and under the same rules and regulations as prescribed by the act passed on the first day of December, one thousand seven hundred and ninety-four, intituled, "*An act to authorize the building of iron works on the west fork of Monongalia river.*"

2. *And be it further enacted*, That the proprietor or proprietors aforesaid, shall be allowed until the first day of January, one thou-

sand eight hundred, to compleat the said iron works; any law to ^{works herein men-}
the contrary notwithstanding. ^{tioned,}

3. This act shall commence and be in force from and after the ^{Commencement.}
passing thereof.

CHAP. 63.—An ACT concerning the ferry over the bay of Chesapeake.

(Passed December 29, 1797.)

1. *Be it enacted by the general assembly,* That in lieu of the ^{Rates of ferriage}
rates heretofore allowed by law to the ferry from the land of the ^{over the bay of}
heirs of John Bowdoin, in the county of Northampton, to the towns ^{Chesapeake from}
of York, Hampton, and Norfolk, the following rates shall be es- ^{land of the heirs}
tablished, and no more: For a man or horse passing singly, five ^{of J. Bowdoin.}
dollars; for a man or horse, if there be more than one, and less
than five, three dollars fifty cents; where there are more than four,
three dollars; for every coach, chariot, or waggon, and the driver
thereof, the same as for five horses; for every two wheeled chaise,
or chair, the same as for two horses.

2. *And be it further enacted,* That it shall not be lawful for any ^{Penalty on persons}
person of the counties of Accomack and Northampton, for any re- ^{herein described,}
ward or promise thereof, to set over the said bay of Chesapeake, to ^{for conveying any}
either of the said towns of York, Hampton, or Norfolk, or other ^{person or persons}
place adjacent to the said towns, any person or persons, their horses ^{over the said ferry,}
or carriages; and he or she offending herein, shall forfeit and pay ^{and how recover-}
for every such offence, the penalty of twenty dollars, to be reco- ^{able.}
vered by information or petition, in any court of record within this
commonwealth, by the keeper of the said ferry: *Provided never-* ^{Proviso.}
theless, That this act shall not be construed to prevent the inhabi-
tants of Accomack from conveying each other across the said bay
of Chesapeake.

3. This act shall commence and be in force from and after the ^{Commencement.}
passing thereof.

CHAP. 64.—An ACT to establish a new ferry, and increase the rates of a
former one.

(Passed January 20, 1798.)

1. *Be it enacted by the general assembly,* That a ferry be con- ^{A ferry established}
stantly kept at the place hereafter mentioned, and the rates for pass- ^{from the land of S.}
ing the same as followeth, that is to say: From the land of Samuel ^{Pannell, across}
Pannell in the county of Campbell, across Staunton river, to the ^{Staunton river,}
land of the representatives of Joseph Echols, deceased, in the county ^{and rates for pass-}
of Halifax, the price for a man, four cents, and for a horse the same. ^{ing the same.}

2. *And be it further enacted,* That the keeper of the ferry from ^{Rates of ferriage}
the land of Peter Light, in the county of Berkeley, across Potow- ^{from the land of}
mac river, shall be allowed eight cents for a man, and the same for ^{P. Light across}
a horse, instead of the rates heretofore allowed by law. ^{Potowmac river.}

3. The transportation of the following things shall be at the rates ^{Rates of ferriage}
hereafter mentioned, that is to say: For every coach, chariot or ^{for carriages, &c.}
waggon, and the driver thereof, the same as for six horses; for every
four wheeled chaise, phaeton and driver, the same as for four horses;
for every two wheeled riding carriage or cart, the same as for two
horses; for every hogshead of tobacco, the same as for one horse;
for every head of neat cattle, the same as for one horse; for every
sheep, hog, goat or lamb, one fifth part of the ferriage for one
horse, and no more.

Penalty for receiving greater rates than allowed hereby, and how recoverable.

4. If the ferry keeper at either of the said places shall demand and take from any person, greater rates for the ferriage of any thing, than is hereby allowed, such offender shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 65.—An ACT vacating the office of a trustee in certain cases, and prescribing the manner of supplying such vacancy.

[Passed January 5, 1798.]

Office of a trustee of a town how vacated—and such vacancy how supplied.

1. *Be it enacted by the general assembly*, That if any trustee or director of a town not incorporated, hath removed or shall remove his residence to a greater distance than that of five miles from the said town, such removal and residence shall be considered as a vacation of the office and appointment of such trustee or director; and the vacancy thereby occasioned, shall be supplied in the same manner as is provided in the case of other vacancies in the said trustees or directors.

Mode of appointing trustees of towns where by death, resignation, &c. there are none remaining.

2. And where by death, resignation or other cause, there are no trustees remaining of any town not incorporated, it shall be lawful for the sheriff of the county in which such town is, and he is hereby directed, on application of any five freeholders of the said town, for that purpose, to cause an election of trustees or directors, to be made in the manner prescribed by law for supplying vacancies in the said trustees or directors.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 66.—An ACT authorizing David Scott to complete the collection of the taxes due in the county of Monongalia, for the year one thousand seven hundred and eighty-three.

(Passed January 1, 1798.)

Preamble.

Whereas, in consequence of an act of assembly, passed in the year one thousand seven hundred and eighty-six, a doubt exists whether David Scott, who was sheriff of Monongalia county, in the year one thousand seven hundred and eighty-three, is authorized to collect the taxes of that year:

D. Scott authorized, on entering into bond and security, to collect certain taxes herein mentioned, and to be furnished by the auditor, with returns, &c.

1. *Be it therefore enacted*, That the said David Scott, upon giving bond with security in the court of the said county, in the penalty of fifteen thousand dollars, shall be, and he, or such deputy or deputies as he shall appoint, is hereby authorized and empowered, until the first day of October, one thousand seven hundred and ninety-nine, to distrain for, collect and pay into the treasury, the taxes due in the said county, for the year one thousand seven hundred and eighty-three, which have remained uncollected by the said David Scott, or the sheriff who was in office in the year one thousand seven hundred and eighty-six; and the auditor of public accounts is hereby directed to furnish to the said David Scott, copies of the returns of tithables and taxable property in the said county, made to his office, for the said year one thousand seven hundred and eighty-three.

Allowed like commissions and subject to like penalty.

2. The said David Scott, in the collection of the said taxes, shall be entitled to the same emoluments, and subject to the like penal-

ties, as were provided in the case of sheriffs and collectors of the public revenue, in the year one thousand seven hundred and eighty-three. ties as sheriffs were in the year 1783.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 67.—An ACT to authorize Ferdinando Fairfax to build a toll bridge over Shenandoah river in the county of Berkeley.

(Passed December 25, 1797.)

1. *Be it enacted by the general assembly*, That it shall be lawful for Ferdinando Fairfax, his heirs and assigns, to erect a bridge from his land in the county of Berkeley, over Shenandoah river, to his land on the opposite side, where the public road leads to the same. Toll bridge authorized to be erected over Shenandoah river.

2. So soon as the said bridge shall be completed, it shall be lawful for the said Ferdinando Fairfax, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man five cents, and for a horse the same; and for the passage of wheel carriages, tobacco, cattle and other beasts over the said bridge, the said Ferdinando Fairfax, his heirs and assigns, may demand and take the following tolls, that is to say: For every coach, chariot, four wheel chaise or waggon, and the driver thereof, the same as for six horses; for every cart, two wheel chaise or chair, the same as for two horses; for every hog-head of tobacco as for one horse; for every head of neat cattle as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage for one horse; and for every hog one fourth part of the ferriage for one horse, and no more. Rates for passing the same and when demandable.

3. If the collector of tolls at the said place, shall demand and receive from any person, greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and ten shillings, to be recovered with costs, before a justice of the peace of the said county. Penalty for receiving greater rates than allowed hereby and how recoverable.

4. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 68.—An ACT to establish an inspection of tobacco on the lands of Judith Randolph, in the county of Prince Edward.

(Passed January 8, 1798.)

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and the same is hereby established on the lands of Judith Randolph, near Rutledge's bridge, in the county of Prince Edward, who shall build the same at her own expense, to be called and known by the name of Randolph warehouse. An inspection of tobacco established on the lands of Judith Randolph.

2. There shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of one hundred dollars, for their salary. Salary of the inspectors thereat.

3. The inspectors at the said warehouse upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name; which tobacco, when delivered to a wag- Duties to be performed by the said inspectors in the transportation of tobacco from the said warehouse.

gon, shall be by the driver thereof delivered with the manifest to the inspectors at any of the warehouses which now are, or shall hereafter be established, in the towns of Petersburg and Manchester, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required.

Concerning tobacco received from the aforesaid inspection by the inspectors at Petersburg or Manchester—the warehouse rent thereon—and how appropriated.

4. The inspectors at the last mentioned warehouses, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco: and the inspectors at each of the said warehouses in Petersburg and Manchester, shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco reloaded from on board any vessel, and be appropriated in like manner as the tax or rent of such reloaded tobacco is by law directed.

Duty on tobacco inspected at this warehouse, and how collected, &c.

5. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Inspectors at this warehouse when and how appointed.

6. So soon as convenient houses for the reception of tobacco shall be built by the said Judith Randolph, the court of the said county of Prince Edward shall recommend fit persons to be commissioned inspectors thereof.

Notes of this inspection not receivable in contracts prior to its establishment. Proviso.

7. No person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into.

8. *Provided always*, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public.

Commencement.

9. This act shall commence and be in force from and after the passage thereof.

CHAP. 69.—An ACT directing the register of the land office to issue a land warrant to Layton Yancey.

(Passed January 12, 1798.)

Preamble.

Whereas it is represented, that during the late war, Layton Yancey served as a lieutenant in the first regiment of light dragoons commanded by colonel Theodorick Bland, and that he afterwards became entitled to the rank of a captain, but that before he obtained a commission as such, the treaty of peace was concluded, in consequence of which, he has only received the bounty of land allowed to a lieutenant, and it is reasonable that he should be allowed a bounty proportionate to his services:

Register authorized to issue L. Yancey a land warrant for military services.

1. *Be it therefore enacted by the general assembly*, That the register of the land office be, and he is hereby directed, to issue to the said Layton Yancey, a warrant for one thousand three hundred and thirty-four acres and one third of an acre of land, it being the difference between the bounty allowed a lieutenant and that of a captain.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 70.—An ACT concerning the heirs of Nicholas Currell, deceased.

[Passed December 26, 1797.]

1. *Be it enacted by the general assembly*, That the executive be, and they are hereby authorized, to grant to the heir or heirs of Nicholas Currell, deceased, a duplicate certificate of the right which the said Nicholas had to a land warrant, for two thousand six hundred and sixty-six acres and two thirds of an acre of land, to which he became entitled in consequence of his services as a lieutenant in the late war; and the register of the land office shall, and he is hereby authorized and required, on receipt of such duplicate certificate, and upon application to him made for that purpose to issue a land warrant accordingly: *Provided however*, That the right, title, or interest which any person or persons, body politic or corporate, other than the commonwealth, might or would have had in or to the original certificate, if this act had never been made, shall be, and is hereby saved to him, her or them.

Executive authorized to grant a duplicate of a certain land warrant to the heirs of N. Currell, deceased.

Proviso.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 71.—An ACT for issuing a land warrant to William Carter.

[Passed January 17, 1798.]

1. *Be it enacted by the general assembly*, That the register of the land office shall, and he is hereby required to issue to William Carter, of the county of Patrick, a warrant for one thousand and eighty-five acres of waste and unappropriated lands, being the quantity unlocated of a warrant for one thousand seven hundred and eighty acres, dated the twenty-fourth day of December, one thousand seven hundred and eighty-two, and numbered fifteen thousand and forty-three, which the said William Carter hath lost.

Register of the land office to issue a land warrant to W. Carter.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 72.—An ACT authorizing Andrew Wodrow, administrator of Alexander Wodrow, deceased, to convey certain lands therein mentioned.

[Passed December 30, 1797.]

Whereas by an act of assembly, passed in the year one thousand seven hundred and eighty-two, intituled, "*An act to confirm the sale of certain lots and land made by Andrew Wodrow, administrator of Alexander Wodrow, deceased, and for other purposes*," it is directed that certain lands whereof the said Alexander Wodrow died seized, and which at the time of the passage of the said act, remained unsold by the said Andrew Wodrow, administrator, with the will annexed of the said Alexander Wodrow, deceased, should be vested in the said Andrew Wodrow, subject nevertheless to the future direction of the general assembly: And whereas the said Andrew Wodrow, hath deemed it proper and expedient to dispose of, and hath accordingly sold unto William Heth, the right which became vested in him under the act aforesaid, to the moieties of two tracts of land lying in the county of Pendleton, one of which tracts contains one thousand three hundred and twenty acres, and the other two hundred acres; and application hath been made by the said

Preamble.

Andrew Wodrow to this assembly, to pass a law authorizing him to convey the lands sold as aforesaid, to the said William Heth:

A. Wodrow authorized to convey certain lands herein described to W. Heth.

1. *Be it therefore enacted*, That the said Andrew Wodrow, be, and he is hereby authorized and empowered, to make and execute one or more deed or deeds, for conveying to the said William Heth, a good and sufficient title to the lands so as aforesaid sold to him. Saving to all persons, bodies politic and corporate, other than those claiming under the will of the said Alexander Wodrow, deceased, any right, title, or interest, which he or they might or would have had, in, or to the said lands, or any part thereof, if this act had never been made.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 73.—An ACT to amend the act, intituled, "An act for establishing a town on the land of Samuel Hyde Saunders, in the county of Powhatan."

(Passed December 25, 1797.)

Part of act herein recited repealed.

1. *Be it enacted by the general assembly*, That so much of the act, passed in the year one thousand seven hundred and ninety-four, for establishing the town of Jefferson, in the county of Powhatan, as compels the purchasers of lots in the said town to build on each a dwelling house sixteen feet square at least, with a brick or stone chimney, shall be, and the same is hereby repealed.

Conditions on which purchasers of lots shall hold the same.

2. *And be it enacted*, That the purchasers of lots in the said town, shall respectively hold the same, subject only to the condition of building on each a house of any dimensions equal to twelve feet square: *Provided always, and be it further enacted*, That the purchasers of lots in the said town, which are subject to be overflowed with water by freshes in the river, shall respectively hold the same freed from the condition of building a house thereon.

Further time allowed for building on lots.

3. *And be it further enacted*, That the further time of five years from the passing of this act, shall be allowed the purchasers of lots in the said town to build upon and save the same.

Repealing clause.

4. So much of the act, intituled, "An act for establishing a town on the land of Samuel Hyde Saunders, in the county of Powhatan," as comes within the meaning of this act, is hereby repealed.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 74.—An ACT allowing the heirs of Alexander Smith, deceased, a further time to return to the register of the land office, the plat and certificate of a certain survey.

(Passed January 1, 1798.)

Further time allowed the heirs of A. Smith, dec'd, to return to the land office the plat and certificate of a certain survey.

1. *Be it enacted by the general assembly*, That the heirs and representatives of Alexander Smith, deceased, be, and they are hereby allowed until the thirty-first day of December, one thousand seven hundred and ninety-eight, to return to the register of the land office, the plat and certificate of survey of a certain tract or parcel of land, containing four hundred and eighty-seven acres, taken up and surveyed by the said Alexander Smith, in his lifetime, in the county of Buckingham, and the said land shall not be considered as forfeited or liable to forfeiture; any law to the contrary notwithstanding. Saving however to all and every person or persons, bodies politic or corporate, other than the commonwealth, any right, title, or interest, which he or they might or would have had in, or

to the said land, or any part thereof, if this act had never been made.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 75.—An ACT giving further time to the purchasers of lots in certain towns to build thereon.

(Passed December 23, 1797.)

1. *Be it enacted by the general assembly*, That the further time of three years, from and after the passing of this act, shall be, and is hereby allowed the purchasers of lots in the town of Dunkirk and county of King and Queen, and the further time of five years is hereby allowed the purchasers of lots in the town of Martinsburg and county of Berkeley, to build upon and save their lots; any law to the contrary thereof notwithstanding.

Further time allowed to build on lots situated in towns herein mentioned.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 76.—An ACT for adding certain lots to the town of Washington, in the county of Culpeper.

(Passed December 25, 1797.)

1. *Be it enacted by the general assembly*, That the lots and streets, as the same are already laid off on the lands of William Porter, contiguous to the town of Washington, in the county of Culpeper, shall be, and they are hereby added to and made a part of the said town, to all intents and purposes as if the same had been included in the lands originally laid off for the said town.

Certain land added to and made part of the town of Washington.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 77.—An ACT giving further time to the purchasers of lots in several towns to build thereon.

(Passed January 5, 1798.)

Be it enacted by the general assembly, That the proprietors of lots in the town of Clerksburg, and county of Harrison; and also of the town of Martinsville, and county of Henry, shall be, and they are hereby respectively allowed the further time of five years from and after the passing of this act, to build upon and save their said lots; any law to the contrary thereof, notwithstanding.

Further time allowed for building on lots in towns herein mentioned.

CHAP. 78.—An ACT giving further time to the purchasers of lots in the town of Abingdon to build thereon.

(Passed January 5, 1798.)

1. *Be it enacted by the general assembly*, That the further time of five years, from and after the passing of this act, shall be allowed the purchasers of lots in the town of Abingdon, and county of Washington, to build upon and save the same; any law to the contrary thereof, notwithstanding.

Further time allowed for building on lots.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 79.—An ACT giving further time to the purchasers of lots in the towns of Lynchburg and Watson, to build thereon.

(Passed January 5, 1798.)

Further time allowed to build on and save lots in the towns herein mentioned.

1. *Be it enacted by the general assembly*, That the further time of five years, from and after the passing of this act, shall be allowed the purchasers of lots in the town of Lynchburg, and county of Campbell, and town of Watson, in the county of Hampshire, to build upon and save the same; any law to the contrary thereof, notwithstanding.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 80.—An ACT concerning the town of Harrisonburg, in the county of Rockingham.

(Passed December 29, 1797.)

Certain land added to and made part of the town of Harrisonburg.

1. *Be it enacted by the general assembly*, That twenty-three and a half acres of land, as the same are already laid off into lots and streets, adjoining the town of Harrisonburg, in the county of Rockingham, by Robert and Reuben Harrison, the proprietors thereof, shall be, and they are hereby added to and made a part of the said town, to all intents and purposes.

Persons appointed trustees thereof—their power, &c.

2. *And be it further enacted*, That Thomas Scott, John Koontz, Asher Waterman, Frederick Spangler and Samuel M^rWilliams, gentlemen, shall be, and they are hereby constituted trustees of the said town; and that they, or a majority of them, shall have power to remove nuisances out of the streets, alleys and public grounds of the said town, at the expense of those who occasion them, where they shall refuse to remove them; to open the streets and alleys and keep the same in repair; and to determine all disputes concerning the bounds of the lots, which determination shall be final unless controverted at law within two years; they shall also have power to levy a tax, not exceeding one hundred dollars on the tithables and property within the said town, annually, for the purposes of this act, and the surplus in such manner as the said trustees, or a majority of them, shall judge most beneficial for the inhabitants of the said town; to appoint a collector from time to time, who shall be subject to the same rules and regulations, and accountable for the said taxes in like manner as the collectors of the county levies are by law.

Vacancies in the office of a trustee how supplied.

3. In case of the death, removal, or other legal disability, of any one or more of the said trustees, such vacancy from time to time shall be supplied in manner prescribed by the act passed the eleventh day of December, one thousand seven hundred and seventy-eight, intituled, "*An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*"

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 81.—An ACT to establish a town on the lands of William Black, in the county of Montgomery.

(Passed January 13, 1798.)

Town of Blackburg established and names of the trustees thereof.

1. *Be it enacted by the general assembly*, That thirty-eight acres and three quarters of an acre of land, the property of William Black, in the county of Montgomery, as the same are already laid

off into lots and streets, shall be, and the same are hereby established a town by the name of Blacksburg; and George Rutledge, John Black, James P. Preston, John Henderson, Edward Rutledge, William Black, and John Preston, gentlemen, constituted and appointed trustees thereof.

2. The trustees of the said town, or a majority of them, are hereby empowered to establish such rules and orders for the regular building of houses therein, as to them shall seem proper; and to settle and determine all disputes concerning the bounds of the said lots.

Powers of the trustees of said town.

3. So soon as the purchasers of lots in the said town, shall have built thereon, according to the conditions of their respective deeds of conveyance, such purchasers shall then be entitled to, and have and enjoy all the rights, privileges and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

Privileges of proprietors of lots in the said town.

4. Vacancies, by death, resignation or removal out of the county, of any one or more of the said trustees, the same shall be supplied in manner prescribed by the act of assembly, passed in the year one thousand seven hundred and seventy-eight, intituled, "*An act to empower the freeholders of the several towns, not incorporated, to supply the vacancies of the trustees and directors thereof.*"

Vacancy in the office of a trustee, how supplied.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 82.—An ACT to incorporate the library company in the town of Alexandria.

(Passed January 11, 1798.)

Whereas it is represented to the present general assembly, that sundry inhabitants of the town of Alexandria and its vicinity, have associated together, and procured a considerable library for their benefit and improvement; and that it would tend greatly to promote the good purposes of the institution, in case they were made a body corporate:

Preamble.

1. *Be it therefore enacted*, That the said library society, are hereby incorporated and made a body politic, by the name of "The Library Company in the town of Alexandria," and by that name shall have power to make such by-laws, rules and regulations for their conduct and government, as to them shall seem best.

Society incorporated—style of incorporation—their powers.

2. The officers of the said library company, shall consist of a president, treasurer, twelve directors and librarian.

Officers of the society.

3. The president and directors shall be chosen by the said company on the third Monday in February annually, who, or a majority of them, shall have power to appoint a treasurer and librarian, and ascertain their salaries.

President, &c. how chosen, and their services how compensated.

4. All penalties imposed on the members of the said company and librarian, shall be recoverable by motion in the hustings court of the town of Alexandria, where the sum amounts to five dollars or upwards, and if under that sum, by warrant before a magistrate.

Penalties imposed on the members of the society, how recoverable.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 83.—An ACT to increase the pension of John Consolver, and for other purposes.

(Passed January 17, 1798.)

Preamble.

Whereas it appears to the present general assembly, that the pension allowed to John Consolver, a soldier who lost both his arms, and was otherwise severely wounded at Buford's defeat during the late war, is inadequate to his support:

J. Consolver's pension increased.

1. *Be it enacted*, That in lieu of the pension now allowed to him, he shall be entitled to have and receive eighty dollars yearly, during his life, payable in the like manner and proportion, and at the same periods with other pensions.

W. T. Goulding placed on the list of pensioners.

2. *And be it further enacted*, That William T. Goulding, who also was a soldier in the late war, and so wounded at the battle of Guilford, as now to be incapable of supporting himself by labour, shall be, and he is hereby placed upon the list of pensioners, and allowed during his life, at and after the rate of forty dollars per annum, payable in like manner as other pensions.

Commencement.

3. This act shall commence and be in force from the passing thereof.

CHAP. 84.—An ACT for paying a sum of money to Robert Smith, administrator of Lawrence Smith, deceased.

(Passed January 6, 1798.)

A sum of money to be repaid to Robert Smith, on account of insolencies in the county of Sussex, for the years herein mentioned.

1. *Be it enacted by the general assembly*, That the treasurer, shall, upon warrant from the auditor of public accounts, pay to Robert Smith, administrator of the estate of Lawrence Smith, deceased, who was sheriff of the county of Sussex, and collector of the taxes for the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, the sum of sixty-five dollars and forty cents, it being so much paid by the said administrator into the treasury, on account of insolvents for those years, (a list whereof had not been returned according to law by the intestate) together with so much interest thereupon, if any, as was actually paid into the treasury.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 85.—An ACT concerning William Edwards.

[Passed January 6, 1798.]

Preamble.

Whereas it is represented, that Joseph Lane, who was sheriff of the county of Westmoreland, for the year one thousand seven hundred and eighty-two, failed to pay the taxes due in the said county for the year aforesaid, whereby he incurred certain damages, for which and a part of the said taxes, a judgment has since been obtained on behalf of the commonwealth against William Edwards security for the said Joseph Lane, and the balance of the said taxes with the interest thereon and costs of the judgment, paid into the treasury:

Damages on a judgment against W. Edwards by the commonwealth remitted.
Commencement.

1. *Be it therefore enacted*, That the damages aforesaid, amounting to one hundred and eighty-seven pounds, nine shillings and three pence, shall be, and are hereby remitted.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 86.—An ACT for issuing duplicates of certain warrants to Charles Vivion.

[Passed January 1, 1793.]

1. *Be it enacted by the general assembly*, That the auditor of public accounts, shall, and he is hereby required to issue to Charles Vivion, duplicates of eight warrants, amounting to the sum of one hundred and forty pounds, for a waggon and team, furnished the public in the year one thousand seven hundred and eighty-one, in lieu of the original warrants, which were destroyed by fire: *Provided always*, That the said Charles Vivion shall, previous to the issuing of the said warrants, enter into bond with security, to indemnify the commonwealth against the original warrants.

Auditor of public accounts to issue duplicates of certain certificates herein mentioned.

Proviso.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 87.—An ACT concerning Thomas Vaughan, collector of certain taxes therein mentioned.

[Passed January 5, 1793.]

1. *Be it enacted by the general assembly*, That Thomas Vaughan, collector of the taxes in the counties of Surry, Southampton, Sussex, and Isle of Wight, be allowed commissions for his said collections in the counties of Surry, Southampton, and Sussex, at the rate of seven and a half per centum, and for his said collections in the county of Isle of Wight, at the rate of seven and a half per centum.

Commission allowed T. Vaughan on the collection of certain taxes herein mentioned.

2. *And be it further enacted*, That the said Thomas Vaughan, shall, on or before the first day of October, one thousand seven hundred and ninety-eight, pay into the treasury the amount of the said taxes.

Time allowed to pay the said taxes into the treasury.

3. *Provided*, That the allowance made by this act to the said Thomas Vaughan, shall comprehend the whole of the compensation, which the said Thomas Vaughan shall receive for collecting the taxes aforesaid, in the said counties.

Proviso.

4. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. 88.—An ACT for repaying to Jesse Ewell, a certain sum of money.

[Passed January 16, 1793.]

Whereas it is represented, that a judgment was obtained on the twenty-first day of November, one thousand seven hundred and ninety-three, in the general court, on behalf of the commonwealth against Jesse Ewell, late sheriff of the county of Prince William, for the sum of three hundred and thirty-six dollars, for the balance of taxes alledged to be collected by the said Ewell, in the year one thousand seven hundred and eighty-two, pursuant to the act of assembly for laying taxes on certain enumerated commodities; which judgment with the costs, amounting to the sum of one hundred and nine pounds, ten shillings and six pence, the said Jesse Ewell hath fully paid: and whereas, it hath been made appear to this present general assembly, that the said Jesse Ewell neither did, nor was he bound by law to collect the taxes arising under the said recited act, and hath petitioned this assembly to be repaid the aforesaid sum of money, which it hath been judged just and right to do:

1. *Be it therefore enacted*, That the treasurer of this commonwealth, shall repay to the said Jesse Ewell, upon warrant from the

A sum of money directed to be repaid to Jesse Ewell.

auditor of public accounts, (who is hereby required to issue the same) the said sum of one hundred and nine pounds, ten shillings and six pence.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 89.—An ACT for allowing a sum of money to Elizabeth Mann.

(Passed January 6, 1793.)

Sum of money allowed to E. Mann annually, for the space of four years.

1. *Be it enacted by the general assembly*, That there shall be allowed and paid to Elizabeth Mann, widow of Thomas Mann, who was killed by the Indians in one thousand seven hundred and ninety-four, while in the service of his country, the sum of forty dollars annually for four years, for her relief.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 90.—An ACT for incorporating a library company in the town of Brownsburg, in Rockbridge county.

(Passed January 19, 1793.)

Preamble.

Whereas it is represented to the present general assembly, that a number of persons, in and about Brownsburg, in the county of Rockbridge, have formed a circulating library, and they are of opinion it will promote the purposes of the society to have it incorporated :

Society incorporated, and style of incorporation.
Officers of the society, how chosen.

1. *Be it enacted*, That the same shall be, and is hereby incorporated, by the name of Brownsburg library company.

2. The officers of the said company shall be five trustees, a secretary, treasurer, and librarian; the trustees to be triennially chosen by the members.

Trustees shall choose a president, their powers, &c.

3. The trustees, or any three of them shall choose their own president, secretary, and treasurer, and shall have power to assess the members in such sum or sums not exceeding four dollars each, annually, as in their judgment the institution may require; and shall have power to make such by-laws and regulations, not contrary to the laws of this commonwealth, or of the United States, for the regulation and prosperity of the corporation, as to them shall appear necessary: *Provided however*, That no law shall be of force, if a majority of the members shall disapprove of the same.

Proviso.

Treasurer of the society may sue and be sued.

4. The treasurer in the name of the trustees of the Brownsburg library company, may sue or be sued in any court of record in this commonwealth: *Provided however*, That all sums not exceeding five dollars, shall be recoverable before a justice of the peace.

Treasurer and librarian shall give bond for the discharge of their duties.

5. The treasurer and librarian, before they enter on the execution of their office, shall give bond and security, each in the sum of one thousand dollars, for the faithful discharge of their respective duties agreeable to the rules of the society.

Vacancies in the different offices how supplied.

6. Upon the death, resignation, or refusal to act of the secretary, treasurer, librarian, or any of the trustees, the vacancy shall be supplied in the same manner in which they were at first chosen.

Shares in the library transferable.

7. Any member may give, assign, sell, or devise his share in the library as he may think proper, but shall not without the consent of a majority of the trustees, take or claim any book, or books, as his peculiar property.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 91.—An ACT to remit the damages and interest on a judgment obtained by the commonwealth against James Callaway, and others.

(Passed January 12, 1798.)

1. *Be it enacted by the general assembly*, That the damages and interest on a judgment obtained on behalf of the commonwealth against James Callaway, William Leftwich, and Thomas Lumpkin, securities for Obadiah H. Trent, (a deputy under William Callaway, sheriff of the county of Bedford, in the year one thousand seven hundred and eighty-five) for the certificate tax due in the year aforesaid, shall be, and the same are hereby remitted, and the said securities exonerated and discharged from the payment thereof.

2. This act shall commence and be in force from and after the passing thereof.

Damages on a judgment obtained against J. Callaway, for the certificate tax of Bedford county herein mentioned, remitted.

Commencement.

CHAP. 92.—An ACT for placing Robert Leonard on the list of pensioners.

(Passed January 6, 1798.)

1. *Be it enacted by the general assembly*, That Robert Leonard, who served as a soldier in the late war, and is unable to obtain a subsistence by labour, shall be placed on the list of pensioners, and be allowed the sum of forty dollars annually.

2. The auditor of public accounts on application to him, made either in person or by attorney, shall issue to the said Robert Leonard, a warrant for the sum of forty dollars for his immediate relief, to be discharged in like manner as other pension warrants.

3. This act shall commence and be in force from and after the passing thereof.

Robert Leonard placed on the list of pensioners.

A sum of money allowed him for his immediate relief.

Commencement.

CHAP. 93.—An ACT for placing William Brabstone on the list of pensioners.

(Passed January 5, 1798.)

1. *Be it enacted by the general assembly*, That William Brabstone, who entered into the late war as a soldier, in the year one thousand seven hundred and seventy-six, and continued therein until the end thereof, and from a wound received in his shoulder at the battle of Brandywine, together with the fatigue and hardships which he suffered in the army, is unable to obtain a subsistence by labour, shall be placed on the list of pensioners, and be allowed the sum of forty dollars annually.

2. The auditor of public accounts, on application to him made, either in person or by attorney, shall issue to the said William Brabstone, a warrant for the sum of forty dollars for his immediate relief, to be discharged in like manner as other pension warrants.

3. This act shall commence and be in force from and after the passing thereof.

W. Brabstone placed on the list of pensioners.

A sum of money allowed him for his immediate relief.

Commencement.

CHAP. 94.—An ACT for placing several persons on the pension list, and for other purposes.

(Passed January 22, 1798.)

1. *Be it enacted by the general assembly*, That Charles Clements, of the county of Fluvanna, who in consequence of several wounds received as a soldier in the service of his country during the late war, is rendered unable to support himself, shall be, and he is hereby placed on the list of pensioners, and shall receive an allowance of forty dollars annually.

2. *Be it further enacted*, That John Shepperd, of the county of Kanawha, who from a wound received in an expedition against the

C. Clements placed on the pension list.

John Shepperd placed on the pension list.

Indians in one hand and thigh, is rendered unable to support himself, shall be placed on the list of pensioners, and shall be allowed and paid the sum of forty dollars annually.

A sum of money allowed annually, to Elizabeth Jameson.

3. *And be it further enacted*, That Elizabeth Jameson, widow of Alexander Jameson, late of the county of Prince George, deceased, shall be allowed and paid by the treasurer, upon warrant from the auditor of public accounts, annually, during her life, the sum of two hundred dollars, to be paid at the same time, and in like manner as other pensions are paid; and for the immediate relief of the said Elizabeth Jameson, the auditor of public accounts shall be, and he is hereby authorized and required, to issue to the said Elizabeth Jameson, a warrant or warrants on the treasurer, for two hundred dollars.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 95.—An ACT for paying the officers of the general assembly for their services during the present session.

(Passed January 24, 1798.)

Allowances to the officers of the general assembly for their services during the present session.

1. *Be it enacted by the general assembly*, That the allowance to the officers for their services during the present session, shall be as followeth, that is to say: To the chaplain, twenty dollars per week; to the clerk of the house of delegates, one hundred and forty-five dollars per week; to the clerk of the senate, seventy-two dollars and fifty cents per week; to the clerk of the committee of propositions and grievances, and of the committee of privileges and elections, forty dollars per week; to the clerk of the committee of claims, and of the committee of religion, forty dollars per week; to the clerk of the committee for courts of justice, forty dollars per week; to the serjeant at arms to the senate, and house of delegates, each thirty-seven dollars per week; to each of the door keepers to the senate and house of delegates, twenty-one dollars per week; to Thomas Nicholson, for printing the journals of the senate, one hundred and fifty dollars; and to the person who cleans the capitol, thirty-four dollars.

Salary of the keeper of the rolls, how payable.

2. The keeper of the rolls, shall be entitled to receive his salary in the same manner as other officers of the government receive theirs.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 96.—An ACT concerning the town of Romney in the county of Hampshire.

[Passed January 5, 1798.]

Further time allowed for building on lots.

1. *Be it enacted by the general assembly*, That the further time of seven years, from and after the passing of this act, shall be, and it is hereby allowed to the purchasers of lots in the town of Romney, to build upon and save the same; any law to the contrary thereof, notwithstanding.

Penalty on owners of lots permitting hogs or geese to run at large within the town, and how recoverable.

2. It shall not be lawful for the owner of any lot or house within the said town, or any other person, to keep any hogs or geese running at large within the same; and if he shall offend herein, every such owner of a house or lot shall forfeit and pay one dollar for every hog or goose so found running at large, to be recovered in like manner as other sums under five dollars, by any of the trustees

of the said town, and applied towards the benefit of the inhabitants thereof.

3. This act shall commence and be in force from and after the Commencement. passing thereof.

CHAP. 97.—An ACT to amend the act, concerning the town of Mecklenburg, in the county of Berkeley.

(Passed January 11, 1798.)

1. *Be it enacted by the general assembly*, That the several lots adjoining the town of Mecklenburg, in the county of Berkeley, as they have been respectively laid off on the lands of Henry Cookcas, William Brown, John Morrow and Richard Henderson and company, also the grounds lying immediately between the said town and the water's edge of the Potowmac river, shall be, and they are hereby added to and made a part of the said town to all intents and purposes.

Certain lands added to and made part of the town of Mecklenburg.

2. It shall and may be lawful for the trustees of the said town, to impose a tax annually, on every tithable person within the limits thereof, not exceeding one dollar, instead of the tax authorized by the act, passed on the second day of December, one thousand seven hundred and ninety-three, "*Concerning the town of Mecklenburg*," and applied to the purposes therein mentioned.

Trustees empowered to lay an annual tax on the tithables of said town.

3. The said town of Mecklenburg, shall hereafter be called and known by the name of Shepherdstown.

Name of town changed to Shepherdstown.

4. So much of any act as comes within the meaning of this act, is hereby repealed.

Repealing clause.

5. This act shall commence and be in force from and after the Commencement. passing thereof.

CHAP. 98.—An ACT to amend the act, for limitation of actions, for preventing frivolous and vexatious suits, concerning jeofails and certain proceedings in civil cases.

(Passed January 25, 1798.)

Be it enacted by the general assembly, That the parol shall not demur in any suit now depending, or hereafter to be brought in any court of common law or equity, by reason of the infancy of the plaintiffs or defendants, or of any, or of either of them, but such court may nevertheless proceed to judgment or a final decree in the cause.

Parol shall not demur by nonage.

RESOLUTIONS.

IN THE HOUSE OF DELEGATES,

MONDAY, December 11th, 1797.

Resolved, That a resolution of the general assembly, passed in December 1795, "Authorizing and directing the treasurer to transfer two shares belonging to the state of Virginia, in the James river company, to the governor of the commonwealth, for the time being, for the use of the commonwealth; and that it be an instruction to the treasurer to vote, at elections of officers of the said company, for the governor, for the time being, to be president of the said company," be repealed.

December 12th, 1797—Agreed to by the senate.

December 13th, 1797.

Resolved, That the executive be requested to transmit to the president of the United States, and to both houses of congress, authentic copies of the resolution of the general assembly of this state, passed at their session of November, one thousand seven hundred and ninety-four, respecting the amendment proposed by congress to the federal constitution, on the second day of December, one thousand seven hundred and ninety-three, respecting the suability of states.

December 14th, 1797—Agreed to by the senate.

FRIDAY, December 22d, 1797.

Resolved, That the executive be requested, and they are hereby authorized to take such measures as they may deem right, for carrying into complete effect, the act of the last session of the general assembly, intituled, "*An act concerning certain lands lying in the Northern Neck.*"

December 23d, 1797—Agreed to by the senate.

SATURDAY, December 23d, 1797.

Resolved, That the petition of John Gooch and Joshua Chaffin, securities of Christopher Ford, deceased, collector of the taxes in the county of Amelia, for the year one thousand seven hundred and eighty-six, praying that they may be exonerated from paying the interest arising on the balance of the taxes due from the said Christopher Ford, at the time of his death, is reasonable.

December 29th, 1797—Agreed to by the senate.

THURSDAY, January 11th, 1798.

Resolved, That the executive be requested to examine into the present state of the treasury, pursuant to the request of the executors of the late treasurer, for that purpose.

January 12th, 1798—Agreed to by the senate.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY, THE THIRD DAY OF DECEMBER, ONE THOUSAND SEVEN
HUNDRED AND NINETY-EIGHT.

CHAP. 1.—An ACT to amend an act, intituled, “An act to amend and reduce into one act, the several acts of assembly for regulating the militia of this commonwealth.”

(Passed January 23, 1799.)

1. *Be it enacted by the general assembly,* That it shall and may be lawful for the executive of this commonwealth, to consolidate and divide regiments of militia in the several counties of this state as circumstances may direct: That the counties of Monongalia, Ohio, Brooke, Harrison, Randolph and Wood, shall constitute one brigade; and the counties of Hampshire, Hardy and Pendleton, shall constitute one brigade; and that the counties of Wythe, Montgomery and Monroe, shall constitute one brigade; any thing in this or any other act to the contrary, notwithstanding.

Executive may consolidate or divide regiments; additional brigades established.

2. *And be it further enacted,* That the time and place for the regular musters of each company of militia shall be fixed by the first regimental court of inquiry, which is held next after the passing of this act, subject to such changes as future regimental courts of inquiry may think proper; and the notice of such musters heretofore required by law, are hereby declared to be unnecessary, after such time and place shall be fixed as aforesaid.

Regimental courts of inquiry to fix time of petty musters; and notice thereof unnecessary.

3. All commissioned officers are hereby required to appear in full uniform when on duty.

Officers to appear in uniform.

4. *And be it enacted,* That the troops of cavalry, and companies of artillery, belonging to the several divisions, shall parade with the regiments of infantry from which they have been raised; and in cases where there are two regiments in a county, the brigadier general commanding the same shall direct with which of the said regiments the said troops or companies shall parade: And the said troops and companies shall be governed by the same rules and regulations, and subject to the like penalties, as are by law directed with respect to the rest of the militia.

Cavalry and artillery shall parade with and be governed as other militia.

Volunteer cavalry
to be raised.

5. *And be it further enacted*, That there shall be raised out of each of the regiments of militia within this commonwealth one troop of cavalry: *Provided*, Such troop can be raised by voluntary enlistment: and no person who shall voluntarily enrol himself as a private in any troop of cavalry, light infantry company, company of riflemen, or corps of artillery, shall be compelled to continue or serve therein for a longer period than five years.

Musicians to be
provided and how
compensated.

6. *And be it further enacted*, That the commanding officer of each regiment shall cause to be enlisted so many drummers and fifers as he shall deem necessary for his regiment, and shall direct in what manner they shall be instructed in the respective branches of music. The regimental courts of inquiry shall determine the allowances to be made to the persons employed to instruct them, and also to the drummers and fifers while convened for the purpose of receiving such instruction; which allowances shall be paid on the order of the commanding officer of the regiment, out of the fines collected under the act, intituled, "*An act to amend and reduce into one act, the several acts of assembly for regulating the militia of this commonwealth.*"

Training of officers
to continue three
days, and senior
officer present to
command.
Proviso.

7. *And be it enacted*, That in future the annual training of the commissioned officers shall continue for three days, and no longer: And if the brigade inspector does not attend, the commandant shall appoint some other officer to train them: *Provided always*, That the days appointed for training the commissioned officers as aforesaid, shall be in the same month with the regimental musters, and the senior officer present, shall be the commanding officer each day during the continuance thereof.

Time of regimental
musters.

8. And whereas by the sixteenth section of the said recited act, the regimental musters are restricted to the month of October, such musters may in future be directed by the officer commanding the brigade, either in the months of October or November in every year.

Fines may be re-
mitted, and mode
of collecting
them.

9. *And be it further enacted*, That all fines imposed on commissioned officers, by any regimental court of inquiry, for nonattendance or otherwise, may, for good cause shewn, be remitted by the succeeding regimental court of inquiry; and no fine imposed at any court of inquiry shall be put in the hands of a sheriff or collector, for collection, before a subsequent court of inquiry shall have intervened; and the sheriff or collector shall and is hereby directed to receive the lists of such fines, and collect and account for the same as heretofore directed.

Sheriff shall dis-
charge orders on
him, drawn by
commandant; and
liable to judgment
on motion in case
of failure.

10. *And be it further enacted*, That the sheriff of each county shall on or before the first day of October in every year, pay and satisfy all draughts of the lieutenant colonel commandant in favour of the clerk of any court of inquiry, provost martial, or for any other purpose authorized by law; and on failure so to do, the court of the county whereof he is sheriff, shall be and is hereby empowered and required, on motion of the lieutenant colonel commandant, to render judgment against the said sheriff, his executors or administrators, for the amount of such draught, with the costs of the said motion; upon which judgment, execution shall issue, be endorsed, and proceeded on, in like manner as executions are directed by law in other cases against delinquent sheriffs: *Provided*, That where it shall so happen that the sheriff of any county shall be commanding officer of the regiment therein, the officer next in command shall proceed as herein particularly directed.

Proviso.

11. The commanding officer of every regiment shall, on or before the first day of December in every year, render to the county or corporation court an account of all the draughts made by him on the sheriff or collector, for such requisites as under this and the said recited act he is authorized to purchase or procure, specifying therein the particular articles for which such draughts were given; and the passing of such account by the court shall exonerate such officer from any claim by the commonwealth.

Commandants shall render an account thereof to courts.

12. *And be it further enacted*, That where it shall have so happened that lists of fines have not in due time been delivered to a sheriff for collection, any succeeding sheriff shall and is hereby directed to receive such lists, and shall collect and account for the same, in like manner with other fines placed in his hands for collection.

Provision in cases where fines have not been delivered in due time.

13. *And be it further enacted*, That so much of the law now in force as requires the officers of patrols to make monthly returns to the county courts, shall be and the same is hereby repealed; and the said officers shall in future make such returns quarter yearly, or oftener, if required by the commanders of battalions.

Returns by officers of patrols, when to be made.

14. The fifth section of the said recited act shall hereafter be so construed as not to restrict the several county and corporation courts, in their recommendations to the executive of officers to supply vacancies in the militia, to make such recommendations according to grade and seniority.

Construction of the act herein referred to.

15. *And be it enacted*, That so much of the said recited act as requires the commanding officers of each battalion to appoint a court of inquiry after his battalion muster in the month of May, shall be and is hereby repealed.

Part of said act repealed.

16. So much of any act or acts as exempts quakers and menonists from mustering in the militia, shall be and is hereby repealed.

Concerning quakers and menonists.

17. *And be it enacted*, That the allowances which the courts martial shall hereafter make to persons employed to carry orders respecting the militia, shall be paid by the treasurer, by order of the executive, out of the fund arising from militia fines.

Compensation for carrying militia orders.

18. All and every act, clauses and parts of acts, coming within the purview of this act, shall be and the same is hereby repealed.

Repealing clause.

CHAP. 2.—An ACT to impose certain taxes on law process, and for other purposes.

(Passed January 23, 1799.)

1. *Be it enacted by the general assembly*, That the following taxes shall be imposed, collected, and paid: On each writ or declaration in ejectment, instituting a suit in the district court, or subpoena in the high court of chancery, the sum of one dollar; on each appeal to the high court of chancery two dollars; on each writ of error, *supersedeas*, and *habeas corpus cum causa*, filing any record of appeal or appeals to a district court, or to the high court of chancery, and on each writ of *certiorari* issued from the general court, district court, or high court of chancery, one dollar; and on each writ, declaration in ejectment or subpoena, instituting any suit in a county or corporation court, the sum of fifty cents; the said taxes shall, by the respective clerks, be taxed in the bill of costs; on each certificate under the seal of any county or corporation court, there shall be paid a tax of one dollar. No process, as aforesaid, shall be issued, or transcript of a record delivered, or declaration in eject-

Taxes on law process, &c. and how collected.

On surveyors' certificates, and on attestations, &c. by a notary public.

On certificates under seal of this state.

Time, within which clerk shall make payment of his collections, compensation therefor, and penalty in case of default.

Further penalty on clerk's failing to make payment of the taxes by him collected.

Period within which motions may be made against delinquent clerks prolonged.

Auditor to publish names of delinquent clerks.

Taxes on lands, slaves, horses and carriages.

ment received, until the said respective taxes are paid. There shall be paid forty-two cents for every transfer of a surveyor's certificate for land, to be collected by the register of the land office before the issuing of the patent; for every attestation, protestation, and all other instruments of publication from a notary public, under his seal of office, fifty cents, to be collected and accounted for by the said notary public; and one dollar for each certificate under the seal of the commonwealth, to be collected by the clerk of the council, before the delivery of such certificate; which last mentioned taxes shall be accounted for and paid in like manner, and with the like commissions for collecting, as is directed in the case of other taxes imposed by this act.

2. Each clerk hereby required to receive the taxes above imposed, shall account for the same, on oath, to the auditor of public accounts, and pay the amount in his hands into the treasury, on or before the first day of October in each year, deducting thereout five *per centum* for receiving and paying the same. A commissioner of the tax shall compare the account of each clerk with the books in his office, and certify that it thence appears, that all taxes by him received are accounted for, nor shall any clerk be entitled to receive any money from the treasury, or to recover any fees of the sheriff by motion or otherwise, unless he shall have previously obtained a *quietus* for the said taxes according to this act.

3. *And be it further enacted*, That if any clerk shall fail to account for, and pay the taxes aforesaid, according to this act, he shall forfeit and pay, for the use of the commonwealth, for every year he shall fail to make such payment, the sum of six hundred dollars; to be recovered by the auditor, on motion in the general court, with costs, and moreover be liable to be displaced from office by the general court.

4. *And be it further enacted*, That the period for moving against the respective clerks, for arrearages of taxes heretofore received by them, shall be, and the same is hereby extended until the first day of January, in the year eighteen hundred; and if any clerk shall fail to pay such arrearages, no fees whatsoever shall be thereafter collected, levied, or distrained, for or on behalf of such clerk, until the said arrearages shall be accounted for and paid.

5. *And be it further enacted*, That it shall be the duty of the auditor, immediately after the first day of October in each year, to publish in the public papers for two months successively, the names of all clerks, being defaulters under this act, together with extracts from this law, prohibiting the recovery of his fees in consequence of such delinquency.

CHAP. 3.—An ACT laying taxes for the support of government.

(Passed January 23, 1799.)

1. *Be it enacted by the general assembly*, That the public taxes, for the year one thousand seven hundred and ninety-eight, shall be as follows, to wit: on lands, for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been, or shall be exempted by reason of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse and jack ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares, and colts, twelve

cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheel riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel, for all phaetons and stage waggons, eighty-four cents per wheel; for every other riding carriage with two wheels, forty-three cents per wheel; and for all lots and houses in towns, one dollar fifty-six cents, on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such house or lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the commissioners of the revenue or either of them, by a comparison of its value with other houses or lots actually rented: *Pro-* On lots and houses situated in towns. *vided*, That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners or either of them to ascertain the rent paid on houses or lots, actually leased, may call on the tenant or proprietor to declare on oath or solemn affirmation, what is the amount of the rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice to be made by the commissioners of the revenue, or either of them: *Provided*, That no tax Public property exempted from tax. shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning.

2. *And be it further enacted*, That from and after the first day of May next, upon any person's producing to the commissioner of the revenue, for the county, district or corporation, a receipt for the sum of forty dollars paid to the sheriff or collector, such commissioner shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time. And if any person shall sell Licenses to merchants selling goods, wholesale or retail. such merchandize, either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay five hundred dollars, to be recovered by the commissioner in any court of record, on ten days previous notice, and to be paid to the sheriff, for the use of the commonwealth; of which licenses and fines, the commissioners shall annually in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying names, which shall be good evidence, whereupon to charge the sheriff or collector: *Pro-* Penalty on dealing without such license first obtained. *vided nevertheless*, That not above one tax shall be paid, on account of so selling at one and the same store: *And provided also*, That nothing contained in this, or any other act, shall be so construed, as to impose a tax on planters or farmers, for selling salt to their neighbours, purchased as a return load for their produce, carried in their waggons or otherwise to market.

3. *And be it further enacted*, That the act concerning hawkers and pedlars, shall be so construed, as to make it necessary for each hawker and pedlar to obtain a license. Concerning hawkers and pedlars.

4. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant of the auditor of public ac- Allowance to commissioner for issuing such license, and how paid.

counts, after his list of licenses shall be returned to the auditor as aforesaid.

Clerks of courts to return a list of pedlars' licenses to the auditor.

5. Clerks of courts shall annually return to the auditor, on or before the fifteenth day of September, a list of all hawkers' and pedlars' licenses, granted by their respective courts, and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion, on ten days previous notice.

Notices on motions against sheriffs, and other officers herein mentioned, unnecessary.

6. And for the more effectual collection of the said taxes, and others which may become due to the commonwealth, *Be it further enacted*, That no notice shall hereafter be necessary to any sheriff, collector, clerk or inspector, for the purpose of recovering a judgment for any taxes, fine or public dues of any kind, but that the same may be recovered by the auditor, on motion without notice, provided such motion be made within twelve months after such taxes, fine or public dues shall become payable, or shall be incurred.

List of insolvents, by sheriffs, to be returned within twelve months.

7. No sheriff or other collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after twelve months shall have expired, from the period of the taxes becoming payable, by such sheriff or collector, to which such list relates.

Commission allowed for collecting tax on licenses.

8. A commission of five per cent. and no more, shall be allowed to sheriffs and collectors for the collection of the taxes on licenses to be granted to merchants under this act, and on licenses to be granted to hawkers and pedlars, under an act, intituled, "*An act concerning hawkers and pedlars*," any law to the contrary notwithstanding.

Commissioner to return list of licenses to county or corporation courts, for their examination.

9. A list of all licenses granted to merchants, shall be returned by the commissioner granting the same, to the county or corporation courts, for their examination; after which the said list shall be delivered to the sheriffs or collectors, who shall annually on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury.

Commencement.

10. This act shall commence and be in force from and after the passing thereof.

CHAP. 4.—An ACT to appropriate the public revenue.

(Passed January 23, 1799.)

Taxes constituting a general fund.

1. *Be it enacted by the general assembly*, That all taxes and arrearages of taxes, (except the arrearages of taxes, which became due prior to the year one thousand seven hundred and ninety-six,) and all branches of revenue which shall arise to the commonwealth, between the last day of December, one thousand seven hundred and ninety-eight, and the first day of January, one thousand eight hundred, shall constitute a general fund, and be appropriated to the support of the civil government, and for the contingent expenses thereof; and shall also be charged with the payment of all unsatisfied warrants, charged on the said taxes and arrearages of taxes, by the act of the last session of assembly, intituled, "*An act for appropriating the public revenue*;" of warrants which shall hereafter be issued for expenses attending criminal prosecutions, guards and slaves condemned and executed; for the shares in the Dismal swamp canal and Appamatow companies; for the hospital for the cure and maintainance of persons of unsound mind; for the expenses attending the arsenal at the Point of Fork; for carrying into effect the act for establishing arsenals, and a manufactory of arms;

Appropriation thereof.

for the penitentiary house; for the arms directed by law to be procured; for all pensions allowed by this commonwealth; and for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts, in the year one thousand seven hundred and ninety-nine, for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present general assembly, for which no provision has been made.

2. And if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof; for the hospital, for the cure and maintainance of persons of unsound mind; for pensions; for salaries allowed to certain militia officers; and for arms purchased as directed by law, should not be productive early enough for these purposes, it shall be lawful for the executive to direct the treasurer to borrow as much money as shall be deficient, out of any other fund, and to replace the same as soon as possible.

Deficiency in certain funds how supplied.

3. And be it further enacted, That all certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth, shall be receivable by the sheriffs or collectors in the collection of all arrearages of taxes, due prior to the year one thousand seven hundred and ninety-six; and the said certificates shall be received by the treasurer, from the sheriffs or collectors, in discharge of the aforesaid arrearages of taxes.

Certificates of this state receivable in discharge of certain arrearages of taxes.

4. Lists of licenses granted to merchants, and to hawkers and peddlars, and directed to be returned to the auditor's office, on or before the fifteenth day of September in every year, shall be made up to the first day of the preceding August in every year; and the dates of the said licenses, as well as the names of the persons to whom they have been issued, shall be specified in the said lists.

Concerning licenses granted to merchants, &c.

5. All acts and parts of acts coming within the purview of this act, shall be, and are hereby repealed.

Repealing clause.

6. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 5.—An ACT providing for the printing of an extra number of the laws, and for other purposes.

(Passed January 25, 1799.)

1. Be it enacted, That the executive be authorized to make compensation out of any money in the treasury to the printers of this commonwealth, for the extra number of laws, passed during the present session, which it may be necessary to print for the use of the commonwealth.

Executive to compensate the public printers for extra laws wanted for the state.

2. Each of the commissioners of the revenue shall be hereafter furnished with a copy of the laws at the public expense.

Commissioners of revenue allowed a copy.

3. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. 6.—An ACT to amend the act, intituled, "An act to reduce into one the several acts concerning slaves, free negroes and mulattoes."

[Passed January 25, 1799.]

1. Be it enacted by the general assembly, That if any person or persons shall hereafter be guilty of stealing any negro, or mulatto slave whatsoever, and shall thereof be lawfully convicted, such

Punishment for stealing any negro or mulatto slave.

person or persons so convicted, shall suffer death without benefit of clergy: whether the said slave or slaves so stolen shall have been taken out of, or from the actual or immediate possession of the owner or overseer of such slave or slaves, or shall have been elsewhere found: *Provided nevertheless*, That so soon as the governor, by advice of council, shall issue his proclamation, declaring the penitentiary house to be in a situation fit to receive criminals, agreeably to the act, intituled, "*An act to amend the penal laws of this commonwealth*," any person or persons guilty of the offence above mentioned, shall undergo a confinement in the said penitentiary house, for a period not less than three, nor more than eight years, under the conditions, and agreeably to the directions in the said act contained.

Proviso.

Repealing clause.

2. All and every act, clause or part of an act, coming within the purview of this act, shall be, and are hereby repealed.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 7.—An ACT prescribing the duty of the commissioners of the public revenue, in certain cases, relative to lands.

(Passed January 25, 1799.)

Proceedings by commissioners of the revenue, in cases where lands lying in one county, have been taxed in another.

1. *Be it enacted by the general assembly*, That where commissioners of the public revenue, in acting under the several laws prescribing the mode of ascertaining the taxable property within this commonwealth, shall tax lands as lying in one county, which lie in another, it shall be the duty of the commissioners of the counties wherein such lands so improperly taxed, actually lie, and they are hereby required, on information of the fact, to certify the same, and the quality of such lands to the commissioners, who committed the errors in such taxation, and thereupon the said lands shall be transferred from the books of the said commissioners, wherein they were taxed as aforesaid, to the books of the commissioners of the counties wherein such lands really lie.

Assessment of lands in Greenbrier, &c. when completed, shall by the commissioners be delivered to the sheriffs.

2. *And be it further enacted*, That the commissioners appointed under the act, for assessing the lands in the counties of Greenbrier, Kanawha and Randolph, shall after completing the assessment therein required, deliver a copy of the said assessment to the sheriffs of each of the said counties, who shall receive the same, and be directed thereby in making his collections.

Commencement.

3. This act shall commence and be in force from the passing thereof.

CHAP. 8.—An ACT authorizing the sale of certain tobacco remaining in the Quantico warehouses.

[Passed January 22, 1799.]

Preamble.

Whereas it is represented to the general assembly that there are now in the Quantico warehouses, twenty-seven hogsheads of tobacco, which although remaining therein for several years past, cannot be sold by the inspectors, under the existing law, inasmuch as it is not known in whose names the said hogsheads were originally inspected: for remedy thereof,

Inspectors shall advertise and describe tobacco herein mentioned, and if not claimed, shall deliver a list

1. *Be it enacted*, That the inspectors of tobacco at Quantico warehouse, shall advertise in one of the Alexandria newspapers for three weeks successively, a list of the marks, numbers and weight of such part of the said tobacco, whereof they shall be able to as-

certain the marks, numbers and weights, and shall in the said advertisement, describe as particularly as they can, the remaining hogsheads thereof, and if no owner shall appear to claim the said tobacco, or any part thereof, within three months after such advertisement, they shall at the next court to be held for Prince William county, after the expiration of the said three months, deliver to the court a like list of the said tobacco, which court is hereby authorized and required, to order the same to be publicly sold, at the courthouse door, on a court day to the highest bidder.

thereof to the court of Prince William county, who shall direct a sale thereof.

2. The clerk of the said court shall transmit within three months, to the auditor of public accounts, a list of such tobacco, so directed by the court to be sold; and the money arising from the sale thereof, shall be paid by the inspectors of the said warehouse, to the treasurer of this state, who shall account for the same to the general assembly; but if any person having a right to the tobacco so sold, or any part thereof, shall prove his property therein, the said treasurer shall repay to such person the money for which such tobacco was sold.

The clerk of the said court shall transmit a list thereof to the auditor, and the proceeds shall be paid to the treasurer.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 9.—An ACT to repeal certain acts, and to declare the construction of the bill of rights and constitution, concerning religion.

(Passed January 24, 1799.)

Whereas the constitution of the state of Virginia, hath pronounced the government of the king of England, to have been totally dissolved by the revolution: hath substituted in place of the civil government so dissolved, a new civil government; and hath in the bill of rights, excepted from the powers given to the substituted government, the power of reviving any species of ecclesiastical or church government, in lieu of that so dissolved, by referring the subject of religion to conscience: and whereas the several acts presently recited, do admit the church established under the regal government, to have continued so, subsequently to the constitution; have bestowed property upon that church; have asserted a legislative right to establish any religious sect; and have incorporated religious sects, all of which is inconsistent with the principles of the constitution, and of religious freedom, and manifestly tends to the re-establishment of a national church: For prevention whereof,

Preamble.

Be it enacted, That the several laws, the titles whereof are as follow: "*An act for exempting the different societies of dissenters, from contributing to the support and maintainance of the church as by law established, and its ministers, and for other purposes therein mentioned;*" "*An act to repeal so much of the act for the support of the clergy, and for the regular collecting and paying the parish levies, as relates to the payment of the salaries heretofore given to the clergy of the church of England;*" "*An act for incorporating the protestant episcopal church;*" "*An act to authorize the election of certain vestries;*" "*An act to repeal the act for incorporating the protestant episcopal church, and for other purposes;*" and "*An act for giving certain powers to the trustees of the property of the protestant episcopal church,*" be and the same are hereby repealed, and declared to be void and of none effect. And it is further declared, that the law, intituled, "*An act for establishing religious freedom,*" is a true exposition of the principles of the bill of rights and constitution.

Certain acts herein mentioned repealed.

CHAP. 10.—An ACT to amend the act, intituled, “An act concerning the election of members of the general assembly.”

(Passed January 19, 1799.)

The taking of depositions in cases of contested elections, when to commence and be completed.

1. *Be it enacted by the general assembly,* That whensoever hereafter the election of any person returned to serve as a senator or delegate, is intended to be contested, the petitioner and the returned member, shall respectively begin to take their depositions, within two months after such election, and shall finish taking the same at least thirty days preceding the commencement of the ensuing session of assembly. If either party shall fail to begin and finish taking his depositions, within the times above prescribed and limited, he shall be deprived of all benefit of such depositions when taken.

Saving clause.

2. Nothing herein contained shall be construed to contravene or repeal in any manner, the regulations concerning contested elections, prescribed by the act, intituled, “*An act concerning the election of members of general assembly.*”

Candidates to either house of assembly, who shall give meat, money, drink or other reward, in order to be elected, liable to be expelled.

3. And any person hereafter, who shall be a candidate for any county, or senatorial district, to serve if elected, in the general assembly, who shall directly or indirectly give or agree to give, any elector or pretended elector, money, meat, drink or other reward, in order to be elected, or who shall treat directly or indirectly, being a candidate for such, or any other county, city, borough or district, upon due proof thereof to either house, shall be expelled and disabled to be re-elected during the term of three years; any thing in the above recited act, or in any other act to the contrary notwithstanding: *Provided nevertheless,* That nothing herein contained, shall be so construed as to prevent any candidate from his usual intercourse of friendship with his neighbours, at his own house.

Proviso.

CHAP. 11.—An ACT to preserve the freedom of speech and proceedings in the legislature.

(Passed December 23, 1798.

Preamble.

Whereas freedom of speech and proceedings, appertaineth of right, to the general assembly, and the preservation thereof is necessary to secure the liberty of the people:

Any person arresting or prosecuting a member of the senate or house of delegates, for aught said or done in his representative capacity, or aiding therein, triable as in cases of misdemeanor, and liable to fine and imprisonment.

1. *Be it enacted,* That if any person shall arrest or prosecute, or be aiding or abetting in arresting or prosecuting a member or members of the senate or house of delegates, for, or on account of any words spoken or written, any proposition made, or proceedings had in the said senate or house of delegates, every such person so offending, shall be deemed guilty of a misdemeanor, and shall be apprehended, committed and tried therefor, as in other cases of misdemeanors, before the general court, or a district court of this commonwealth, and being thereof convicted by the verdict of a jury, shall be adjudged to suffer imprisonment for a term not exceeding one year, and shall pay a fine, not exceeding two thousand dollars; which imprisonment and fine shall be assessed by a jury.

Any such member, in case of being arrested or imprisoned, may apply for and obtain his writ of *habeas corpus*.

2. *And be it further enacted,* That if any member or members of the said senate or house of delegates shall be arrested or imprisoned, for, or on account of any words, spoken or written, or for any proposition made or proceedings had in the said senate or house of delegates, such member or members may apply to the general court, or a district court, or any judge thereof, in vacation, for a writ of *habeas corpus*, who are hereby empowered and required to issue the same, returnable before the said court, or said judge, or

any other judge, and upon the return thereof, to liberate and discharge such member or members.

3. *And be it further enacted*, That the provisions of this act shall be extended to the arresting and prosecuting any person or persons, for words spoken or written, or for any propositions made, or proceedings had in the said senate or house of delegates, and to the discharging and liberating any person or persons, by *habeas corpus* as aforesaid, although such person or persons, shall by disqualification or from any other causes, have ceased to be a member of the said senate or house of delegates at the time of such arrest or prosecution, or of the trial, judgment or imprisonment, in consequence thereof: *Provided*, That nothing herein contained, shall in any respect extend to the power which either house of the general assembly now hath, or may exercise over their respective members.

Provisions of this act extended to the arresting and prosecuting any person or persons, although such person shall have ceased to be a member of the senate or house of delegates.

Proviso.

4. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 12.—An ACT to amend the act authorizing the executive to procure arms for the defence of the commonwealth.

(Passed January 18, 1799.)

1. *Be it enacted by the general assembly*, That in case the subsisting contracts for arms, under the act, intituled, "*An act to authorize the executive to procure arms for the defence of the commonwealth*," are not complied with according to their tenor, within the time allowed by the legislature, the executive be, and they are hereby required to apply the money appropriated to the fulfilment of those contracts to the purchase of other arms, wherever the same can be had.

Money appropriated for the purchase of arms, may in case of default in the contractor, be applied by the executive to the purchase of arms elsewhere.

2. And whereas it may be thought necessary to distribute any arms which may be procured, among the militia: *Be it enacted*, That so much of any law, as may require the executive to erect an arsenal or arsenals, shall be, and the same is hereby suspended until the next session of assembly.

Act authorizing the erection of arsenals suspended.

CHAP. 13.—An ACT to amend the act for reducing into one, the several acts concerning executions and for relief of insolvent debtors.

(Passed January 24, 1799.)

1. *Be it enacted by the general assembly*, That executions hereafter issued from a district court, may at the election of the party suing out the same, be returnable on the first day of the next court of such district, or to the clerk's office on the first day of any month previous thereto, unless that shall happen on a Sunday, in that case the same shall be returnable on the next day: *Provided however*, That there be at least thirty days between the teste and return of such executions.

Executions issued from district courts, when returnable.

Proviso.

2. If any execution returnable in vacation of the courts, shall not be returned accordingly, or being returned, shall not be satisfied, the clerk may issue a new execution returnable as aforesaid, in like manner as is now provided in the case of executions, returnable to the court.

Where executions are not returned, clerk may issue a new writ.

3. Until the court of appeals shall direct the forms of executions, returnable in vacation of the court, the same shall be adapted by the clerks to the nature of the case. And where any such execution returnable in vacation of the court, shall come into the pos-

Forms of executions returnable in vacation may be adapted by clerks to the nature of the case; and po-

Penalty on officers
failing to make
due return thereof.

session of any sheriff, coroner or serjeant of a corporation, and he shall fail to return the same to the office from whence it was issued, on or before the return day thereof, it shall be lawful for the court, ten days previous notice being given on the motion of the party injured, to fine such sheriff, coroner or serjeant, or the executors, administrators or securities of such sheriff, coroner or serjeant, at the discretion of such court, in any sum not exceeding five dollars per month, for every hundred dollars contained in the judgment, on which the execution so detained by such sheriff or other officer was issued, and so in proportion for any greater or lesser sum, counting the aforesaid months from the return day of the execution to the day of rendering judgment for the said fine.

Penalties imposed
on officers return-
ing writs of *fieri
facias*, *venditioni
exponas* or *capias*,
ad satisfaciendum,
returnable in vaca-
tion, satisfied, and
failing to pay the
amount to the
party entitled on
demand, or suffer-
ing an escape.

4. If upon any writ of *fieri facias* or *venditioni exponas*, returnable in vacation as aforesaid, any sheriff, under sheriff or other officer shall make return that he hath levied the debt, damages or costs, as in such writ is required, or any part thereof, and shall not immediately on demand, pay the same to the party to whom the same is payable, or his attorney, or any other person authorized to receive the same, or shall return upon any writ of *capias ad satisfaciendum*, that he hath taken the body or bodies of the defendant or defendants, and hath the same ready to satisfy the money or tobacco in such writ mentioned, and shall have actually received such money or tobacco of the defendant or defendants, or hath suffered him, her or them to escape with the consent of such sheriff, under sheriff or other officer, and shall not immediately on demand, pay such money or tobacco to the party to whom the same is payable, or his attorney, then or in either of the said cases, it shall and may be lawful for the creditor, at whose suit such execution shall issue, to proceed against such sheriff, officer or under sheriff or securities of such under sheriff, in the same manner as if such execution had been made returnable, on the first day of the said court, and such court is hereby authorized to give judgment accordingly, and to award execution thereon.

Officers liable to
like penalty on
failing to return
forthcoming bonds.

5. If any sheriff or other officer shall fail to return to the clerk's office, with the execution (unless he be otherwise directed by the creditor or creditors) any bond taken under such execution, for the forthcoming of property, such sheriff or other officer, his executors or administrators, shall be liable to the same fine and penalty for every month of such failure, to be recovered in the same manner, by the party injured, as is herein directed against a sheriff failing to return an execution.

Clerk of court of
appeals to certify
the judgments of
said court, on ap-
peals from district
courts, to the dis-
trict court clerks,
and execution may
thereupon issue.

6. The clerk of the court of appeals, shall immediately after the expiration of each term of such court, certify to the clerks of the respective district courts from whence appeals were transmitted, copies of the judgments and decisions given thereon, which if received by the clerk of a district court in vacation of such court, shall be entered by him of record at the end of the proceedings of the preceding term of that court; and thereupon the said clerk shall upon application, issue executions thereon, if by the decision of the court of appeals, it be proper so to do; and in all other respects shall proceed according to the directions of such judgments and decisions, in the same manner as if they had been entered during the session of the district court. And when by such judgments and decisions, damages are given for retarding the execution, the said clerk shall calculate the same until the time the copies of the

Damages allowed
on such judg-
ments, how calcu-
lated.

said judgments or decisions were delivered to them. When such copies shall be received by the clerk of a district court during the session thereof, the same proceedings shall be had thereon, as have heretofore been had in such cases.

7. The plaintiff or plaintiffs in a judgment on any such forthcoming bond shall, and may recover against the defendant or defendants, in order to defray the expense incurred in giving a notice on such bond, the sum of fifty cents for each obligor to whom such notice shall be given, to be taxed and levied as other costs are on the said judgment. Plaintiffs allowed fifty cents for each notice on a forthcoming bond.

8. All the personal estate which shall be contained in the schedule of an insolvent debtor, shall by such debtor be transferred and delivered, and all the real estate conveyed to the sheriff, under the directions of the court or persons before whom the oath of insolvency shall be taken, before such insolvent debtor shall be discharged, to be by such sheriff disposed of according to law. Estate of an insolvent contained in schedule to be transferred or conveyed to sheriff, prior to his discharge.

9. The clerks of district courts instead of the fees now allowed by law, for issuing executions on the following judgments, and taxing the damages and costs thereon, shall be allowed in such cases the fees hereafter mentioned to be taxed in the bill of costs as in other cases. Fees of district court clerks in certain cases.

* *Dolls. Cts.*

Upon the affirmance by a district court of a judgment of a county or corporation court where no appeal is granted to the court of appeals, 1 20

Upon the affirmance in the court of appeals of a judgment in a suit or on a motion which originated in a district court, 1 20

Upon a like affirmance of a judgment in a suit or on a motion which originated in a county or corporation court, 2 40

And for taxing the damages and costs on the said judgments if no execution be issued thereon, half the fees above mentioned shall be allowed.

10. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

11. This act shall commence and be in force from and after the fifteenth day of June next. Commencement.

CHAP. 14.—An ACT concerning elections.

(Passed January 2, 1799.)

1. *Be it enacted by the general assembly,* That the second section of the act, passed at the last session, intituled, "*An act to amend the act concerning the election of members of the general assembly,*" whereby it is enacted, that after the first day of January, one thousand seven hundred and ninety-nine, the election of members of the general assembly; shall be held on the third Monday in March, in every year, shall be, and is hereby repealed. Part of act herein mentioned repealed.

2. *And be it further enacted,* That in future such elections, and those also of representatives to congress, shall be held on the fourth Wednesday in April, in every year; any law to the contrary notwithstanding. State and congressional elections when holden.

3. So much of the act, intituled, "*An act for arranging the counties of this commonwealth, into districts, to choose representa-*" Repealing clause.

tives to congress," as comes within the purview of this act, shall be, and the same is hereby repealed.

Additional repealing clause.

4. *And be it further enacted,* That so much of the eighth section of the act, passed on the twentieth day of December, one thousand seven hundred and eighty-five, intituled, "*An act concerning elections of members of general assembly,*" as directs the returning officers of the senatorial districts to make their returns within twenty days, after the last day of election, shall be, and the same is hereby repealed.

Time within which, and place where sheriff's shall meet in a senatorial district after the election of a senator.

5. *And be it further enacted,* That the sheriffs of each county, within the senatorial districts of this commonwealth, shall meet within five days after the election, in each district, at the courthouse of the county, first named therein, and from the poll so taken in their respective counties, return as a senator, the man who shall have the greatest number of votes in the whole district: *Provided nevertheless,* If from high waters, or other unavoidable accident, any sheriff or sheriffs; may be prevented from attending at the times and places aforesaid, the other sheriffs shall adjourn from day to day, until the business be completed.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 15.—An ACT to amend an act, entitled, "An act to disable certain officers, under the continental government, from holding offices under the authority of this commonwealth."

(Passed January 9, 1799.)

Persons holding an office, place, commission or appointment under the U. States, disqualified from holding any such under this state.

1. *Be it enacted and declared by the general assembly,* That no person holding, or accepting any office or place, or any commission or appointment whatsoever, civil or military, under the authority of the United States, whether any pay or emolument be attached to such office, place, commission or appointment, or otherwise, or accepting or receiving any emolument whatsoever, from the United States, shall be capable of being elected to, or of holding any office, legislative, executive or judicial, or any other office, place or appointment of trust or profit, under the government of this commonwealth: *Provided,* That nothing herein contained, shall be so construed as to prevent members of congress from sitting as county court magistrates, or from holding offices in the militia, or so as to exclude any person receiving a pension from the United States, in consequence of any wound received in war, from any office under this commonwealth, on account of such pension.

Proviso.

Any person nominated to office by the general government, and not declining its acceptance, liable to like exclusions.

2. *And be it further enacted,* That any person nominated to any office, place or appointment, under the general government, who shall not signify his intention to decline the acceptance thereof, previous to acting under any appointment under this commonwealth, shall be equally liable to the exclusions of this act, as if he had actually accepted the same.

Repealing clause.

3. All acts and parts of acts, coming within the purview of this act, shall be, and are hereby repealed.

Exception in favor of militia officers and soldiers.

4. Nothing herein contained shall so operate as to create any exclusion whatsoever upon militia officers or soldiers, on account of the recompense they may receive from the United States, when called out into actual duty.

Commencement.

5. This act shall commence and be in force from and after the first day of July next.

CHAP. 16.—An ACT to open and improve the navigation of Little river in the county of Hanover.

(Passed January 12, 1799.)

Whereas it is represented that the opening and extending the navigation of the Little river, a branch of Pamunkey, in the county of Hanover, will be of public utility :

1. *Be it therefore enacted by the general assembly*, That Thomas Price, Edmund Taylor, William Winston, Samuel Day, Edward Garland, William Harris, James Doswell, Stephen Trevilian, John Thompson and Nelson Berkeley, gentlemen, shall be, and they are hereby constituted and appointed trustees, for opening and extending the navigation of the said Little river, from its junction with the north branch of Pamunkey river, as high up as Taylor's mill, and for that purpose, they are authorized to take and receive subscriptions.

Preamble.

Trustees appointed to receive subscriptions.

2. If any person shall neglect or refuse to pay the money by him subscribed for the purposes of this act, it shall be lawful for the said trustees, or the trustees for the time being, to recover the same, in their name, by warrant before a magistrate, where the subscription shall not exceed five dollars, and where it shall exceed that sum, by motion in the court of the county where such subscriber may reside, on giving the party ten days previous notice of such motion.

Mode in which payment of sums subscribed may be recovered.

3. The said trustees, or a majority of them, shall as often as they may think proper, nominate and appoint one or more person or persons, willing to undertake the same, to be receiver or receivers of all monies subscribed by virtue of this act, and the person or persons so appointed, shall in the court of Hanover county, give bond, with sufficient security, in a reasonable penalty, payable to the said trustees, and their successors, for the time being, with condition that he or they, his or their heirs, executors or administrators, shall and will, at all times when required, truly and faithfully account for all sums of money as shall come to his or their hands for the purposes of this act, and pay the same to such person or persons, as the said trustees or a majority of them shall order and direct.

Trustees to appoint a treasurer who shall enter into bond with security for the discharge of his duty.

4. If the receiver or receivers, shall neglect or refuse to pay the money as ordered and directed by the said trustees or so much thereof as shall come to his or their hands, the party entitled to receive the same by virtue of such order, shall and may recover the money in like manner as is herein before directed and prescribed in the case of persons refusing or neglecting to pay their subscriptions.

Money directed to be paid by the treasurer may be recovered summarily.

5. The said trustees or majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the river aforesaid, in such manner as they, or a majority of them, shall judge most proper, and to remove all obstructions which shall in any wise injure the navigation of the said river, or prevent the passage of fish.

Power of trustees.

6. In case of the death, resignation, or other disability of any of the said trustees, it shall be lawful for the remaining trustees to supply such vacancy; and the person or persons so elected, shall have the same power, as if they had been named in this act.

Vacancies in the office of a trustee, how supplied.

7. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 17.—An ACT to revive the inspection of tobacco at certain places.

(Passed January 14, 1799.)

Certain inspections of tobacco herein mentioned, re-established.

1. *Be it enacted by the general assembly*, That the inspection of tobacco at Todd's, in the county of King & Queen, and at Aylett's, in the county of King William, under one inspection; and at Mantapike, in the county of King & Queen, and at Frazier's in the county of King William, under one inspection; in the town of Alexandria, and county of Fairfax; at Dymers, in the county of Lancaster, and Indian creek, in the county of Northumberland, under one inspection; at Deep creek, in the county of Lancaster, and Glasscock's, in the county of Richmond, under one inspection; at North and South Wycomoco, under one inspection, and at Rocketts, in the city of Richmond, shall be, and are hereby revived and established, in like manner, to all intents and purposes, as if the same had not been discontinued.

The courts of the counties in which the same are situated to recommend inspectors, whose salaries shall be as herein stated.

2. The courts of the several counties wherein the said warehouses are situated, shall recommend fit persons inspectors thereof, who shall be commissioned in like manner, and be subject to the same rules and regulations as other inspectors, and be allowed the following salaries, that is to say: The inspectors at Todd's, and Aylett's, under one inspection, two hundred dollars per year; the inspectors at Mantapike and Frazier's, under one inspection, two hundred dollars per year; the inspectors at Deep creek, in the county of Lancaster, and Glasscock's, in the county of Richmond, under one inspection, two hundred and fifty dollars per year; the inspectors at North and South Wycomoco, under one inspection, two hundred and fifty dollars per year; the inspectors at Rocketts, in the city of Richmond, two hundred and sixty-six dollars sixty-seven cents per year; the inspectors at Alexandria, one hundred and fifty dollars per year; and the inspectors at Dymers, and Indian creek, under one inspection, two hundred and fifty dollars per year: *Provided nevertheless*, That if the tobacco received at either of the said warehouses, shall not be sufficient to pay the contingent charges thereof, and the inspectors' salaries, the same shall not be made good by the public.

Proviso.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 18.—An ACT to authorize the executive to appoint inspectors to the several warehouses, revived during the present session.

(Passed January 25, 1799.)

Preamble.

Whereas the present general assembly of Virginia, have passed sundry laws for reviving inspections of tobacco of sundry warehouses within this commonwealth, without providing for the appointment of the inspectors for the same the present year:

Governor with advice of council to appoint inspectors at tobacco inspections revived during this session.

1. *Be it therefore enacted by the authority aforesaid*, That the governor, with the advice of council, may and is hereby authorized and required, to appoint such persons as appear to them best qualified to discharge the duties of the office of inspectors, at the several inspections of tobacco within this commonwealth, revived by laws passed the present session, which inspectors are to remain in office until the first day of September in the present year, any law to the contrary notwithstanding.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 19.—An ACT concerning certain suits, prosecuted on behalf of the commonwealth.

(Passed January 15, 1799.)

1. *Be it enacted by the general assembly*, That no suit now depending, or which may hereafter be prosecuted on behalf of the commonwealth, in the name of the governor or treasurer thereof, for the time being, shall abate by the death, resignation or removal from office of the said governor or treasurer, but in such case the same proceedings shall continue to be had, and the same judgment shall be entered in the said suits, as if the said governor or treasurer were still living or in office.

Suits instituted on behalf of the state, by certain officers, shall not abate by their death or removal from office.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 20.—An ACT allowing a further time to the owners of certain entries of lands to survey the same.

(Passed January 24, 1799.)

1. *Be it enacted by the general assembly*, That the further time of one year, to be computed from the first day of November last, shall be allowed the owners of entries legally made of lands, under the commonwealth's land office treasury warrants, to survey the same: *Provided always*, That nothing herein contained, shall be so construed as to invalidate any right, which shall have been acquired in, or to any of the said lands under the laws of this commonwealth, previous to the passing of this act.

Further time allowed owners of entries legally made on lands, to survey the same.

Proviso.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 21.—An ACT to amend the act, intituled, "An act to amend the several acts for regulating pilots, and ascertaining their fees."

(Passed January 24, 1799.)

1. *Be it enacted by the general assembly*, That the rate of pilotage from cape Henry up the Potowmack river, as high as the eastern branch, shall be as follows: From the said cape to Smith's point, on South Potowmack, coming from sea, twenty-five dollars, and for going out twenty dollars and eighty-three cents; from Smith's point to Coan or Yeocomico, sixty-two cents per foot; to Machadock, seventy two cents per foot; to Upper Machadock, one dollar per foot; to Nangomy, one dollar and twenty-five cents per foot; to Boyd's hole, one dollar and thirty-five cents per foot; to Quantico, one dollar and forty-six cents per foot; to Occoquan, one dollar and sixty-one cents per foot; to Piscataway, one dollar and ninety-seven cents per foot; to Alexandria, two dollars and thirty-six cents per foot; and to Eastern branch, two dollars and fifty cents per foot; and the same fees by the foot back again from the places aforesaid to the capes.

Rate of pilotage from cape Henry to certain places up the Potowmack river; and like rates from the said places to the capes.

2. Every captain or commander of a vessel shall receive a branch pilot to conduct his vessel out to sea from the port of lading.

Masters of vessels shall receive a pilot to conduct vessel from port of lading.

3. All and every act and acts, clauses and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

4. This act shall commence and be in force from and after the first day of April next.

Commencement.

CHAP. 22.—An ACT concerning the Dismal swamp canal company.

(Passed January 3, 1799.)

Treasurer authorized to subscribe for the state certain additional shares in the Dismal swamp canal company.

1. *Be it enacted by the general assembly*, That the treasurer be, and he is hereby authorized and required to subscribe on behalf of the commonwealth, for twenty additional shares in the Dismal swamp canal company, which shall be held and enjoyed in like manner as the shares now held by the commonwealth in the said company; and the money which shall become due for the shares so to be subscribed for, shall be paid by the said treasurer, out of any money in his hands, on a warrant or warrants from the auditor of public accounts, to be issued on application of a board of the president and directors of the said company.

Commencement.

2. This act shall commence in force from the passing thereof.

CHAP. 23.—An ACT authorizing certain proceedings on the writ of *mandamus*.

(Passed January 22, 1799.)

Preamble.

Whereas great difficulty and delay attends the present method of proceeding on writs of *mandamus*, and it is proper that the same should be amended by authorizing certain other proceedings thereupon :

Proceedings which may be had on a writ of *mandamus* returned; damages allowed either party in case of a judgment in their favor; and a peremptory *mandamus* may issue as if the return thereon had been adjudged insufficient.

Be it enacted by the general assembly of Virginia, That as often as a writ of *mandamus*, shall issue out of a court having competent jurisdiction within this commonwealth, and a return shall be made thereunto, it shall and may be lawful to and for the person or persons suing or prosecuting such writ of *mandamus*, to plead to or traverse all or any of the material facts contained within the said return, to which the person or persons making such return, shall reply, take issue, or demur; and such further proceedings, and in such manner, shall be had therein for the determination thereof, as might have been had, if the person or persons suing such writ, had brought his or their action on the case for a false return, and if any issue shall be joined on such proceedings, the person or persons suing such writ, shall and may try the same in such place as an issue joined in such action on the case should or might have been tried: and in case a verdict shall be found for the person or persons suing such writ, or judgment given for him or them on demurrer, or by *nil dicit*, or for want of a replication or other pleading, he or they shall recover his or their damages and costs in such manner as he or they might have done in such action on the case as aforesaid; such costs and damages to be levied by *capias ad satisfaciendum*, *feri facias*, or *elegit*, and a peremptory writ of *mandamus* shall be granted without delay, for him or them for whom such judgment shall be given, as might have been if such return had been adjudged insufficient, and in case judgment shall be given for the person or persons making such return to such writ, he or they shall recover his or their costs of suit, to be levied in manner aforesaid.

Such damages how levied.

CHAP. 24.—An ACT for altering the quarterly sessions of the court of Sussex county.

(Passed January 3, 1799.)

Quarterly courts of Sussex county, when holden.

Be it enacted by the general assembly, That a court of quarterly session for the county of Sussex, shall hereafter be held by the justices thereof, in the months of June and September, in every year, instead of the months of May and August.

CHAP. 25.—An ACT for altering the court days of the counties of Rockingham and Augusta.

[Passed January 16, 1799.]

Be it enacted by the general assembly, That from and after the thirtieth day of April next, a court for the county of Rockingham, shall be held by the justices thereof, on the third Tuesday, and a court for the county of Augusta, on the fourth Monday in every month, instead of the days now appointed by law, for holding courts in the said counties.

Time of monthly courts, in the counties of Rockingham and Augusta.

CHAP. 26.—An ACT to alter the quarterly terms of the county court of Madison.

[Passed January 17, 1799.]

1. *Be it enacted by the general assembly,* That the court of quarter sessions for the county of Madison, heretofore held in the months of March, May, August and November, shall hereafter be held in the months of February, May, July and October in every year, any law to the contrary thereof notwithstanding.

Courts of quarter sessions, in Madison county, when holden.

2. This act shall commence and be in force from and after the first day of June next.

Commencement.

CHAP. 27.—An ACT for continuing the act, intituled, “An act giving further time to the owners of certain surveys, to return the plats and certificates thereof into the land office.”

(Passed December 21, 1798.)

1. *Be it enacted by the general assembly,* That the act passed at the last session, intituled, “An act giving further time to the owners of certain surveys, to return the plats and certificates thereof into the land office,” shall be, and the same is hereby continued in force from the expiration thereof, until the first day of September, in the year one thousand seven hundred and ninety-nine.

Further time allowed owners of certain surveys, to return the plats and certificates thereof, into the land office.

2. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. 28.—An ACT concerning the James river company.

(Passed January 7, 1799.)

Whereas by two several acts of general assembly, the James river company are compelled to make locks from the upper navigation to tide water, within a limited time, or incur a forfeiture of their interest in the said company; and whereas it is represented, that the necessary improvement of the said navigation has far exceeded the sum first contemplated, and has exhausted the funds of the said company, so as to leave no other resource which at present can be calculated on except the tolls; and whereas the public are equally interested with individuals in the promotion of a work, the cost or emoluments of which cannot be increased without producing equal benefits or burthens to both; and whereas the erection of said locks will require a very large sum of money, in addition to what has been already laid out, and which if it can be raised will greatly extend the term for reimbursement to the individuals as well as to the public, for advances already made, independent of those which may be hereafter requisite; and whereas an alteration of the plan, or prolongation of time to a convenient day, for making the said locks, will shortly produce a very considerable income yearly, besides the sum necessary to keep the work in repair, and support the establishment:

Preamble.

Time of completing the locks required by law, discretionary with the company.

Proviso.

Commencement.

1. *Be it therefore enacted*, That the erection of the said locks shall, as to time of commencement and completion, be optional with the said company, any thing to the contrary in any law notwithstanding; and that all laws which come within the purview of this act, shall be, and the same are hereby repealed: *Provided*, That the discretion hereby given to the said company, shall not be so construed, as to prohibit any future legislature from directing the completion of the said locks, whenever it shall appear reasonable.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 29.—An ACT to amend the act for removing the superior court from the town of New London.

(Passed January 15, 1799.)

Preamble.

Whereas it is represented that the commissioners appointed by the act of the last session, intituled, "*An act for removing the superior court from the town of New London*," failed to perform the duties required by the said act:

Commissioners appointed to perform the duties required by this act.

1. *Be it therefore enacted*, That Joseph Martin, George Harston, Joshua Stone, James M. Williams, Samuel Calland, William Witcher, Callohill Mennis, David Saunders, Thomas Hubbard, William Leftwich, jun. Brett Stoval, Peter Scales, James Clark, John Depriest, Samuel Harston and Benjamin Cook, gentlemen, shall be, and they are hereby appointed commissioners, instead of the former ones, who, or a majority of them shall meet at the house of Harman Cooke's, in the county of Pittsylvania, on the first Tuesday in May next, and thence proceed to perform the like duties, as by the said act were required of the former commissioners.

Failing to meet in May, may meet at a subsequent time.

2. If a majority of the said commissioners shall fail to meet on the first Tuesday in May next, they may nevertheless meet on any subsequent day, and proceed to the execution of their duty.

Repealing clause.

3. So much of the recited act as comes within the meaning of this act, is hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 30.—An ACT to amend the act, for establishing a mutual assurance society against fire on buildings in this state.

(Passed January 12, 1799.)

Preamble.

Whereas the general assembly by an act passed the twenty-second day of December, one thousand seven hundred and ninety-four, have bound the mutual assurance society against fire on buildings in the state of Virginia, to make immediate reparation to those who might meet with a loss by fire; and it is therefore just and expedient that the said society should also be enabled to recover immediately of the delinquent subscribers or members, the premiums and quotas which may be due from them:

Subscriptions of delinquent subscribers may be recovered on motion, saving the trial by jury if required.

1. *Be it therefore enacted*, That the said mutual assurance society, shall have full power to recover the whole or any part of such premiums or quotas, as are or may hereafter become due from any delinquent subscriber or member, under his subscription or declaration for insurance made to the said society, on motion of the cashier of the society, before the court of the county, or the court of the district wherein such delinquent may reside, ten days notice of such motion being previously given, and such court shall have full juris-

diction to hear and determine such motion, and to cause their judgment to be enforced with costs, by any legal execution, saving to any person against whom a motion shall be made, the right of a trial by jury if he shall desire it.

2. *And be it further enacted*, That any person or persons, whose property has been or may be insured, upon complying with the rules and regulations of the said society, shall have the same remedy against them, as they have against their delinquents by this act. Same mode of recovery given to subscribers, against the society.

3. *And be it further enacted*, That this law shall not have a retrospect to those persons that have subscribed before the organization of the said institution, and have not sent in their declarations for insurance, unless they send them in hereafter. Construction of this act in certain cases.

4. This act shall be in force from and after the passing thereof. Commencement.

CHAP. 31.—An ACT to revive the inspection of tobacco at Rocky ridge.

[Passed January 24, 1799.]

1. *Be it enacted by the general assembly*, That the inspection of tobacco shall be, and it is hereby revived and established at Rocky ridge warehouse, in the town of Manchester, in like manner as if the same had not been discontinued, the proprietor whereof shall rebuild convenient houses of brick or stone, to be covered with slate or tile, at his own expense. Inspection at Rocky ridge revived.

2. *And be it further enacted*, That there shall be allowed and paid, annually, to the inspectors at the said warehouse, the same salary as is allowed and paid to the inspectors at the other warehouses in the town of Manchester. Salary of the inspectors.

3. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 32.—An ACT for the sale of certain glebe lands in the counties of Nottoway and Shenandoah.

(Passed January 23, 1799.)

Whereas applications have been made to the present general assembly, by sundry inhabitants of the counties of Nottoway and Shenandoah, for a disposition of certain glebe lands in the said counties, for the benefit of the poor thereof: Preamble.

1. *Be it therefore enacted*, That William Fitzgerald, James Henderson, Richard Jones, Francis Fitzgerald, Robert Fitzgerald, William Irby, (Surry) and Richard Bland, gentlemen, or any three of them be, and they are hereby appointed commissioners with full power, and they are accordingly directed upon giving three weeks previous notice in the Virginia gazette, of the time and place of sale, to dispose of to the highest bidder, on eighteen months credit, the tract of land and its appurtenances, by law appropriated as a glebe for the parish of Nottoway, in the said county of Nottoway, the purchaser or purchasers, giving to the said commissioners, or such of them as may act under this law, bond with security, to be approved of by them, for the payment of the purchase money; and the same when received by the said commissioners, shall be paid by them, to the overseers of the poor, of the said parish and county of Nottoway, to be by them applied in such manner as they may think best for the benefit of the poor thereof. Commissioners appointed to sell the glebe lands situated in the county of Nottoway; and proceeds thereof to be applied to the benefit of the poor.

2. *And be it further enacted*, That the court of the said county of Shenandoah be, and they are hereby authorized and directed, to Court of Shenandoah county empowered to appro-

prate the glebe lands therein as they judge best for the poor thereof.

dispose of or appropriate upon such terms and in such manner as they may judge best for the poor of the parish of Beckford, in the said county, the glebe land of the said parish and the appurtenances, except the church and church yard, to the said land belonging or appertaining.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 33.—An ACT concerning the Pamunkey tribe of Indians.

(Passed January 19, 1799.)

Trustees of Pamunkey Indians empowered to make rules for the government of the tribe.

1. *Be it enacted by the general assembly*, That the trustees of the Pamunkey tribe of Indians, or a majority of them be, and they are hereby authorized and empowered to make such by-laws, rules and regulations, for the government of the said Indians, as may meet with the approbation of a majority of them, and to the said trustees shall seem fit and expedient.

A majority of the said Indians to supply vacancies in the office of a trustee.

2. *And be it further enacted*, That a majority of the said Indians, above the age of twenty-one years, may, and they are hereby empowered and authorized, upon the death or resignation of any trustee, to elect another, to supply the vacancy occasioned by such death or resignation.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 34.—An ACT to increase the reward for killing wolves.

(Passed January 26, 1799.)

Rewards allowed for killing wolves in the several counties herein named.

1. *Be it enacted by the general assembly*, That every person who shall kill or destroy any wolf above the age of six months, in the counties of Rockbridge, Wythe, Montgomery, Monongalia, Randolph, Kanawha and Augusta, shall receive a reward of two dollars and fifty cents; and for every wolf under the age of six months, to be adjudged by the justice before whom the scalp or scalps shall be brought, one dollar and twenty-five cents; that every person who shall kill or destroy any wolf above the age of six months, in the counties of Washington, Lee, Russell, Brooke and Pittsylvania, shall receive a reward of four dollars; and for every wolf under six months, two dollars; any person who shall kill or destroy any wolf above the age of six months, in the counties of Bath, Hampshire, Franklin and Pendleton, shall receive a reward of six dollars; and for every wolf under the age of six months, three dollars; and that every person who shall kill or destroy any wolf above the age of six months in the counties of Buckingham, Amherst, Hardy, Campbell, Frederick, Bedford, Berkeley and Shenandoah, shall receive a reward of ten dollars; and for every wolf under the age of six months, five dollars; to be levied and paid in the county where the same was killed, in like manner as other county charges are annually levied and paid, the party or parties entitled thereto, producing a certificate or certificates thereof, obtained in manner required by this act.

Persons claiming such reward, shall produce the whole skin of every wolf's head, and make oath where such wolf was killed.

2. Every person claiming such reward, shall produce the whole skin of the head of every wolf to a justice of the peace of the county, wherein the same was taken and killed, and shall then also before the same justice make oath or affirmation to the effect following, that is to say: "*I, A. B. do swear that the scalp or scalps (as the case may be) of the wolf or wolves by me now produced, was*

taken and killed in the county of C. *So help me God.*" And there-
upon the justice shall grant to the wolf killer, a certificate reciting
his name, the number of scalps produced, either of old wolves, or
such as in his opinion appear not to exceed six months, the time
and place when and where killed, and that oath or affirmation or
other sufficient proof thereof hath been made before him; which
being produced to the court laying the county levy, shall entitle the
party or parties therein named, to the reward aforesaid; but no
claim or demand for the same shall be allowed, without such certi-
ficate: *Provided always*, That every justice of the peace shall
cause the ears of all wolf scalps brought before him, to be cut off
in his presence, and he shall not grant a certificate for any scalp
without ears.

Duty of the magis-
trate administer-
ing the oath, &c.

Proviso.

3. Every person who shall kill or destroy any wolf above the age
of six months, shall receive a reward of two dollars, and for every
wolf under the age of six months, a reward of one dollar; the kill-
ing or destroying such wolf or wolves, being proven and certified
to the courts of the several counties in manner as herein before
prescribed; such rewards shall be paid by the county, and repaid by
the public, upon certificate of the clerk of each county.

Reward allowed
for killing wolves,
and how paid.

4. All and every act and acts, clause and clauses heretofore
made, for or concerning any matter or thing within the purview of
this act, shall be, and are hereby repealed.

Repealing clause.

5. This act shall commence and be in force from and after the
passing thereof.

Commencement.

CHAP. 35.—An ACT making further appropriations for completing the waggon
road from Morgantown, to the mouth of Grave creek.

(Passed January 25, 1799.)

1. *Be it enacted by the general assembly*, That the taxes which
have been collected by David Scott, in the county of Monongalia,
for the year one thousand seven hundred and eighty-three, and not
paid into the treasury, and also those which may hereafter be col-
lected by him in the said county, for the year aforesaid, shall be
paid by him to the commissioners or the survivors of them, hereto-
fore appointed for opening a waggon road from Morgantown, to
the mouth of Grave creek, on the Ohio river, to be by them applied
towards opening the said road, in like manner and under the like
directions as the funds heretofore appropriated for that purpose have
been applied.

Certain taxes of
Monongalia coun-
ty appropriated for
completing the
road herein men-
tioned.

2. *And be it further enacted*, That such persons as are still in
arrear for taxes due in the said county, for the year aforesaid, shall
be, and are hereby permitted until the first day of September next,
to discharge the same, by working on the said road, at such price
as may be agreed on between them and the said commissioners;
and upon such work being done, the said commissioners shall grant
to the person or persons performing the same, a certificate, stating
the sum due to him or them, on account of such labour, which cer-
tificate shall be received by the said David Scott, and the amount
thereof credited in discharge of the said taxes. And in like man-
ner the said certificates shall be received of the said David Scott,
on settlement with the auditor of public accounts, for the taxes
aforesaid.

Taxes still due
and unpaid, may
be discharged by
personal labour.

3. This act shall commence and be in force from and after the
passing thereof.

Commencement.

CHAP. 36.—An ACT appropriating certain taxes to the opening a road in the county of Lee.

(Passed January 25, 1799.)

Persons authorized to contract for opening road herein mentioned.

1. *Be it enacted by the general assembly*, That William Huston, William Ewing, Benjamin Potite, David Chadwell, William Neil, and Charles Cocke, or any three of them, be, and they are hereby empowered and required, to contract with such person or persons, as they may judge most proper for opening and clearing a waggon road from the top of Copper creek ridge, to William George's, on Clinch river, in the county of Lee, as the commissioners shall direct.

Undertakers of the work to give bond with security for its completion.

2. The person or persons undertaking the said work, shall give bond with sufficient security, in the penalty of six hundred dollars, payable to the said commissioners or the survivor or survivors of them with condition for the due and faithful opening and clearing a waggon road to and from the places aforesaid, within the time limited by the contract for that purpose.

Tax appropriated for defraying expense of the work.

3. The revenue tax to be collected in the county of Lee, for one thousand seven hundred and ninety-eight and ninety-nine, (provided the money as appropriated as aforesaid, shall not exceed three hundred dollars) shall be, and is hereby appropriated for the purpose of defraying the expense of opening the said road.

Collector thereof to pay the same to the commissioners, whose receipt shall entitle him to a credit therefor; and in case of default liable to recovery on motion.

4. The sheriff or collector of the said tax, shall pay the sum aforesaid to the said commissioners, or one of them, at the time fixed by law, for paying the same into the public treasury, for which the commissioner shall give to the sheriff or collector a receipt, upon the producing of which receipt to the auditor, he shall have credit for the amount of the same. If the sheriff shall fail to pay the tax or at least the said sum of three hundred dollars, it shall be lawful for the said commissioners or the survivor or survivors of them to obtain a judgment against the sheriff or collector, and his securities or either of them, for so much of the taxes as aforesaid appropriated by motion in any court of record in this commonwealth, and to obtain executions for the same in like manner and under the same rules and regulations, as are prescribed in the case of executions issued in behalf of the commonwealth: *Provided*, The sheriff shall have ten days previous notice in writing of such motion.

Commissioners to enter into bond conditioned as herein directed.

5. The commissioners shall give bond and security to the governor and his successors, before the court of the county of Lee, faithfully to account for and pay all such sums of money as come into their hands by virtue of this act, to the person or persons who shall undertake and clear the said road, according to the contract made for that purpose.

CHAP. 37.—An ACT to establish an inspection of tobacco in the town of Belfield, and county of Greenville.

[Passed December 27, 1793.]

Preamble.

Whereas it has been represented to this present general assembly, that it would be of great utility to establish a warehouse for the reception and inspection of tobacco, in the town of Belfield, and county of Greenville:

Tobacco inspection established on Starke's land in town of Belfield.

1. *Be it therefore enacted*, That an inspection of tobacco shall be, and the same is hereby established on the lots or land in the said town of Belfield, the property of Belfield Starke, who shall build convenient houses of brick or stone, and covered with slate,

brick or tile at his own expense, to be called and known by the name of Starke's warehouse.

2. There shall be allowed and paid annually to each of the inspectors at the said warehouse the sum of one hundred dollars for their salary.

Salary of inspectors.

3. The inspectors at the said warehouse upon the delivery of their notes, or an order, where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau, or owner or driver of the waggon, when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name; which tobacco, when delivered to a waggon, shall be by the driver thereof delivered with the manifest to the inspectors at any of the warehouses now or hereafter established in the town of Petersburg, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books, to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required.

Inspectors shall deliver manifests of tobacco transported item said warehouses—and inspectors at Petersburg required to receive and enter the same in books provided for that purpose.

4. The inspectors at the said warehouses are hereby empowered to examine and weigh any tobacco to them delivered when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse subject to the direction of the owner, in like manner as other damaged tobacco.

Petersburg inspectors may weigh any such tobacco, by them received, if required.

5. The inspectors at the said warehouses in the town of Petersburg, shall demand and receive for all tobacco, brought to the same by virtue of this act, the like warehouse rent, as is allowed for tobacco relanded from on board any vessel; and be appropriated in the manner directed by law, for the appropriation of the tax or rent on such relanded tobacco.

Rent demandable by them on tobacco so required.

6. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act.

Duty on tobacco inspected at said warehouse and how collected.

7. So soon as convenient houses for the reception of tobacco, shall be built by the said Belfield Starke, pursuant to the directions of this act, the court of the said county of Greensville, shall recommend fit persons to be commissioned inspectors thereof.

Concerning the appointment of inspectors at said warehouse.

8. No person shall be obliged to receive any notes for tobacco passed at the said warehouse in discharge of any tobacco contract heretofore entered into.

Tobacco notes issued at said warehouse not receivable in discharge of prior contracts.

9. If the quantity of tobacco inspected at the said warehouse shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public.

If tobacco received will not pay charges of warehouse, deficiency not to be made good by the public.

10. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. 33.—An ACT to amend an act concerning the ferry over the bay of Chesapeake.

(Passed January 16, 1799.)

1. *Be it enacted by the general assembly*, That in lieu of the rates heretofore allowed by law to the ferry from the lands of the heirs of John Bowdoin, in the county of Northampton, to the towns

Rates of ferrage over Chesapeake bay.

of York, Hampton and Norfolk, the following rates shall be established and no more: For a man or horse passing singly five dollars; for a man or horse if there be more than one, three dollars; for every coach, chariot, or waggon, and the driver thereof, the same as for five horses; for every two wheeled chaise, or chair, the same as for two horses.

Owner of said ferry to enter into bond conditioned as herein directed, and penalty in case of default.

2. *And be it further enacted*, That the owner of such ferry shall give bond with security in the court of the county wherein such ferry is, in the penalty of two hundred dollars, with condition that he or she will duly keep such ferry, or cause the same to be kept according to law, and will give immediate passage to all public messengers and expresses when required, from time to time, ferry free; and in case any such person shall neglect or refuse to give such bond, or cause the same to be given on his or her behalf, he or she shall forfeit and pay one hundred dollars for every month's refusal or neglect, to the governor for the time being, and his successors, for the support of the contingent charges of government, recoverable with costs in any court of record where the same shall be cognizable.

Repealing clause.

3. All acts and parts of acts within the purview of this act, shall be, and are hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 39.—An ACT for establishing several new ferries, and increasing the rates at two former ones.

(Passed January 19, 1799.)

Rates of ferrage for man and horse at Zane's across Ohio.

1. *Be it enacted by the general assembly*, That ferries be constantly kept at the places hereafter mentioned, and the rates for passing the same as followeth, that is to say: From the land of Ebenezer Zane, in the county of Ohio, across Ohio river opposite to Wheeling island, the price for a man ten cents, and for a horse the same; from the land of Josiah Gamble, in the county of Brooke, across the Ohio river to the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same; from the land of William George, in the county of Lee, across Clinch river to the opposite shore, the price for a man six cents and one fourth of a cent, and for a horse the same; from the land of Gabriel Chrisman in the county of Lee, across Powell's river to the opposite shore, the price for a man six cents and one fourth of a cent, and for a horse the same; from the land of Thomas East, deceased, in the county of Pittsylvania, across Staunton river, to the land of John Brown, in the county of Campbell, the price for a man four cents, and for a horse the same; from the land of Edward Hart, in the county of Randolph, across Tyger's Valley river, to his land on the opposite shore, the price for a man four cents and one sixth of a cent, and for a horse the same; from the land of Peter Johnston, in the county of Harrison, across Tyger's Valley river, to the land of Charles Gallahur, on the opposite shore, the price for a man four cents and one sixth of a cent, and for a horse the same; from the land of John Welch, at the Island ford, in the county of Grayson, across New river, to his land on the opposite shore, the price for a man six cents and one fourth of a cent, and for a horse the same; from the land of Obadiah Smith, in the county of Mecklenburg, across Dan river, to the opposite shore in the county of Halifax, the price for a man four cents, and for a horse the same; from the land

Gamble's across Ohio.

George's across Clinch.

Chrisman's across Powell's.

East's across Staunton.

Hart's across Tyger's Valley river.

Johnston's across Tyger's Valley river.

Welch's across New river.

Smith's across Dan.

Wells's across Ohio.

of Richard Wells, in the county of Brooke, across Ohio river, to the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same; and from the land of George Edgenton, in the county of Brooke, across Ohio river, to the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same.

Edgenton's across Ohio.

2. *And be it further enacted*, That the keeper of the ferry from the land of George Woodson, in the county of Henrico, at Four Mile creek, across James river, shall be allowed the sum of ten cents for a man, and the same for a horse; and the keeper of the ferry from the land of George Jones, in the county of Grayson, across New river to the land of James Jones, shall be allowed six cents and one fourth of a cent for a man, and the same for a horse, instead of the rates heretofore allowed at the said ferries.

Rates of ferriages for man and horse at Woodson's, in the county of Henrico, across James river; and at Jones's, in Grayson county, across New river.

3. The transportation of the following things, shall be at the rates hereafter mentioned, that is to say: For every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every four wheeled chaise, phaeton and driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco the same as for one horse; for every head of neat cattle, the same as for one horse; for every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse and no more.

Rates of ferriages for carriages, &c. at the different ferries herein established.

4. If the ferry keeper at either of the said places shall demand and take from any person, greater rates for the ferriage of any thing than is hereby allowed, such offender shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county.

Penalty for demanding greater rates than herein allowed.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 40.—An ACT to establish inspections of tobacco on the lands of Samuel H. Saunders, in Powhatan, and Henry L. Davis, in Amherst county.

[Passed January 5, 1799.]

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and it is hereby established on the land of Samuel H. Saunders, adjoining the town of Jefferson in the county of Powhatan, to be called and known by the name of Saunders's warehouse; and that an inspection of tobacco shall also be established on the land of Henry L. Davis, at Bethel's ferry, in the county of Amherst, to be called and known by the name of Salt creek warehouse, and shall be under the same inspection with Amherst warehouse.

Tobacco inspection: established on the lands of S. H. Saunders in Powhatan; and of H. L. Davis in Amherst counties.

2. There shall be allowed and paid annually to each of the inspectors at Saunders's warehouse the sum of one hundred dollars for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouse shall not be sufficient to pay the usual charges, and the inspectors' salaries, the deficiencies shall not be paid by the public.

Inspectors' salaries.

3. The inspectors at the said warehouses upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the bateau or canoe, or owner or driver of a waggon, when delivered to

Duties of inspectors at said warehouses in transportation of tobacco—and inspectors at Richmond or Manches-

ter required to receive and enter the same in books to be provided for that purpose.

the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name; which tobacco, with the manifest, shall be delivered to any of the inspectors at the warehouses in the towns of Richmond or Manchester, who are hereby required to receive the same, and enter it agreeable to the said manifest, in books to be by them provided and kept for that purpose; and grant their receipts for such tobacco to the owners thereof, to be delivered for exportation when required.

Inspectors at Richmond or Manchester may weigh any tobacco by them received.

4. The inspectors at the last mentioned warehouses are empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner in like manner as other damaged tobacco.

Rent demandable by them on tobacco so received.

5. The inspectors at each of the warehouses in the said towns of Richmond and Manchester shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same rent as is allowed for tobacco reloaded from on board any vessel, and be appropriated in manner directed by law for the rent or tax on reloaded tobacco.

Duty on tobacco inspected, and how collected, &c.

6. The duty on tobacco inspected at the said warehouses shall be the same, and collected, accounted for, and paid in like manner as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise directed by this act.

Concerning the erection of the said warehouses and appointing inspectors at Saunders's.

7. The said Henry L. Davis shall erect, at his own expense, sufficient houses for the reception of tobacco; and so soon as convenient houses for the reception of tobacco shall be built by the said Samuel H. Saunders, the court of the said county of Powhatan shall recommend fit persons to be commissioned inspectors thereof.

Concerning notes issued by inspectors of said warehouses.

8. No person shall be obliged to receive any notes for tobacco passed at the warehouses hereby established, in discharge of any tobacco contract heretofore entered into.

Commencement.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. 41.—An ACT for dividing the county of Greenbrier.

(Passed January 14, 1799.)

Division of Greenbrier. Name and bounds of the new county.

1. *Be it enacted by the general assembly,* That all that part of the county of Greenbrier, lying within the following bounds, beginning where the ridge dividing the eastern and western waters joins Peters's mountain, and with the said ridge to the ridge which divides Howard's and Second creek, thence with the said ridge westwardly including the waters of Second creek, to the waggon road at Robert Knox's; thence with the said creek to Thomas Nichols's spring branch, thence a straight line to Alderson's ferry landing on Greenbrier river, thence down the said river to the mouth of Muddy creek, thence crossing the same to the ridge that divides the waters of Muddy creek and Griffith's run, and with the said ridge to Keeny's knobs, and with the said knobs including the waters flowing into Greenbrier river to New river, and up the same to where it breaks through Peters's mountain, thence with the said mountain an eastwardly course to the beginning, shall form one distinct county, and be called and known by the name of Munroe.

Courts of Munroe county when held.

2. A court for the said county of Munroe shall be held by the justices thereof on the third Tuesday in every month, after the

same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed.

3. The justices to be named in the commission of the peace for the said county of Munroe shall meet at the house of George King, in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit, and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper: *Provided always*, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

Justices thereof to meet, appoint a clerk and fix upon a place for holding courts.

Appointment of clerk, &c. not to be made until a majority of justices be present.

4. It shall be lawful for the sheriff of the county of Greenbrier to collect and make distress for any public dues and officers' fees remaining unpaid by the inhabitants thereof at the time the county of Munroe takes place, and shall be accountable for the same, in like manner as if this act had not been made.

Sheriff of Greenbrier to collect taxes, &c. now due in county of Munroe.

5. The court of the said county of Greenbrier shall have jurisdiction of all actions and suits depending before them when the said county of Munroe takes place, and shall try and determine the same and award execution thereon.

Court of Greenbrier to try all suits now pending.

6. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Munroe, who shall continue in office during the term, and upon the same conditions as are by law prescribed for other sheriffs.

First sheriff of Munroe county how appointed.

7. In all future elections of a senator, elector and a representative in congress, the said county of Munroe shall be of the same district as the county of Greenbrier. The said county of Munroe shall be of the same district with the county of Greenbrier, for which district courts are holden at the Sweet springs, and shall also be of the same brigade district.

Munroe county to remain in same districts as Greenbrier.

8. This act shall commence and be in force from and after the first day of May next.

Commencement.

CHAP. 42.—An ACT to incorporate the trustees of Brooke academy.

(Passed January 10, 1799.)

1. *Be it enacted by the general assembly*, That William M'Kenna, Bezwell Wells, Charles Wells, James Marshall, Joseph Doddridge, Philip Doddridge, John Connell, Moses Chapline and Thomas M'Kean Thompson, gentlemen, shall be, and they are hereby constituted a body politic and corporate, by the name of the "Trustees of Brooke academy," and by that name shall have perpetual succession and a common seal.

Persons appointed trustees and incorporated, by style of "Trustees of Brooke Academy."

2. The said trustees and their successors by the name aforesaid, shall be capable in law to purchase, receive and hold any lands, tenements, rents, goods or chattels, which shall be given, conveyed or devised to them for the use of the said academy, and to sell, rent

Capable of holding and disposing of property real or personal.

or dispose of the same in such manner as to them shall seem most beneficial for the academy.

Enabled to sue and be sued; and make rules for the government of the academy.

3. The said trustees by the name aforesaid, may sue and be sued, implead and be impleaded, in any court of law or equity. They shall have power from time to time to form and establish such by-laws, rules and ordinances, not contrary to the laws and constitution of this commonwealth, as they shall judge necessary and proper for the good government of the said academy.

Number of trustees necessary to constitute a board.

4. Not less than five of the said trustees shall constitute a board to determine upon any matter relative to the establishment, government or support of the said academy; nor shall any real estate belonging to the said academy be disposed of unless five trustees concur in opinion thereon.

Trustees to appoint a president, secretary and treasurer, &c.

5. The said trustees shall have power to elect a president and secretary, and also a treasurer, who shall receive all monies accruing to the said academy, and property delivered to his care, and pay and deliver the same to the order of the said trustees, and before he enters on the execution of the duties of his office, shall give bond and security for such sum as the trustees shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him; and that he will, when required by the said trustees, render to them a true account of all monies, goods and chattels, received by him on account of and for the use of the said academy; for which he shall receive such salary as may be allowed by the trustees.

Treasurer failing to render an account of receipts and disbursements when required, liable to judgment, on motion.

6. If the treasurer shall neglect or fail to render when thereunto required, a just and true account of all monies, goods and chattels which have come to his hands by virtue of his office, and also of all expenditures relative to the said academy, he shall, for such failure, be subject to a judgment on motion in any court of record in this commonwealth, and execution may thereupon be awarded in like manner as against sheriffs for the nonpayment of public taxes.

Trustees authorized to receive subscriptions, and may recover amount thereof from delinquents.

7. The said trustees shall have power to take and receive subscriptions, for the purpose of erecting the said academy and any other buildings they may think necessary thereto; and if any person shall neglect or refuse to pay the money by him subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant before a magistrate where the subscription shall not exceed five dollars; and where it shall exceed that sum, by motion in the court of the county where the delinquent subscriber resides: *Provided*, The party has ten days previous notice of such motion.

Proviso.

Vacancies in trustees how supplied.

8. Upon the death, resignation or other legal disability of any of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees or a majority of them.

Commencement.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. 43.—An ACT for dividing the county of Harrison.

(Passed December 21, 1793.)

Division of Harrison county; name and boundaries of the new county.

1. *Be it enacted by the general assembly*, That all that part of the county of Harrison, lying westwardly of a line to begin thirty miles from Ohio river on the line dividing the counties of Harrison and Kanawha, thence north-easterly to intersect the line of Ohio county at twenty-one miles distance from Ohio river, on a straight

line from that point where the line of Ohio county strikes the said river, shall from and after the first day of May next, form one distinct county, and be called and known by the name of Wood county.

2. A court for the said county of Wood shall be held by the justices thereof on the second Monday in every month after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed; except in the month of September, in which month the court of the said county shall be holden on the first Monday.

Courts of Wood county when holden.

3. The justices to be named in the commission of the peace for the said county of Wood, shall meet at the house of Hugh Phelps in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit; and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think proper: *Provided always*, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present.

Justices thereof to meet, appoint a clerk, and determine place of holding courts.

Proviso.

4. It shall be lawful for the sheriff of the county of Harrison, to collect and make distress for any public dues and officers' fees, which shall remain unpaid by the inhabitants of the said county of Wood at the time the said county takes place, and shall be accountable for the same in like manner as if this act had never been made.

Public taxes, &c. now due in Wood county to be collected by sheriff of Harrison.

5. The governor with the advice of council, shall appoint a person to be first sheriff of the said county of Wood, who shall continue in office during the term and upon the same conditions as are by law appointed for other sheriffs.

First sheriff of Wood county how appointed.

6. The court of the said county of Harrison shall have jurisdiction of all actions and suits depending before them at the time the said county of Wood takes place, and shall try and determine the same, and award execution thereon.

Court of Harrison county to try all suits now pending.

7. The said county of Wood shall remain in the same district with Harrison for which district courts are holden at Morgantown, and be of the same brigade district, in like manner as if this act had not been made. In all future elections of a senator, of a representative in congress and of an elector, the said county of Wood shall be of the same district as the said county of Harrison.

Wood county to remain in same districts as Harrison.

8. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 44.—An ACT to incorporate a library company in the town of Alexandria.

(Passed January 9, 1799.)

Whereas it is represented to the present general assembly, that sundry inhabitants of the town of Alexandria and the vicinity thereof

Preamble

have associated, and procured a considerable library for their improvement; and that it would tend greatly to promote the good purposes of the institution to make them a body corporate: And whereas the general assembly are desirous of promoting so laudable an institution:

Society incorporated with certain privileges.

1. *Be it therefore enacted*, That the said library company be, and they are hereby made and constituted a body politic and corporate by the name of "*The Alexandria Library Company*," and by that name shall have perpetual succession and a common seal, with capacity to purchase, receive and possess goods and chattels, lands and tenements, in fee or otherwise, and the same to grant, let, sell, or assign: *Provided however*, That they shall not purchase, receive, or possess more lands, tenements, goods and chattels, as aforesaid, than shall be sufficient for carrying into effect the beneficial purposes of this institution, and by the name aforesaid, they may sue and be sued, plead, and be impleaded, in all causes in law or equity.

Shall meet annually for the purpose of appointing officers and directors.

2. *And be it further enacted*, That the said library company shall meet annually on the third Monday in February in every year, of which meeting two weeks previous notice shall be given in one of the Alexandria newspapers; and the said company or such of them as shall convene, shall elect by ballot out of the members of the company, a president and eleven directors, whose authority shall continue for one year, and until another president and other directors are chosen in their stead.

Vacancies in offices, how supplied.

3. The said president and directors, or a majority of them, shall have power to fill any vacancies which may occur in their own body, to appoint out of the members of the company a librarian, treasurer, and other necessary officers, and to fix the salaries of the said officers.

President and directors empowered to form rules for the government of the society.

4. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to make such by-laws, rules and regulations (not contrary to the constitution and laws of this state, or of the United States) as they may think necessary and proper, for the conduct and government of the said company, subject however to the revision and amendment of a majority thereof, who shall be convened for that purpose by the president, at the request of any six members of the company.

Act herein mentioned repealed.

5. *And be it further enacted*, That the act passed at the last session of assembly, intituled, "*An act to incorporate a library company in the town of Alexandria*," shall be, and the same is hereby repealed.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 45.—An ACT to amend the act, intituled, "An act to establish a town on the lands of George Carrington, in the county of Halifax."

(Passed January 2, 1799.)

Preamble.

Whereas an act of assembly was passed on the eighth day of December, one thousand seven hundred and ninety-six, authorizing the establishment of a town on the lands of George Carrington, in the county of Halifax, and directing the disposal of the lots in the said town to be made by a lottery, the scheme of which hath failed:

Persons authorized to sell lots in said town, sub-

1. *Be it therefore enacted*, That it shall and may be lawful for John B. Scott, William Terry, Berryman Green, Richard Hawson,

John Faulkner, Isaac Oakes, Jacob Faulkner, William M'Craw, Charles Meriwether and Samuel Hobson, to proceed to sell the lots as now laid off in the said town, except those already disposed of by the proprietor, at public auction, for the best price that can be had, the time and place of such sale being advertised for two months successively previous thereto, in some one of the newspapers within this commonwealth, and to convey the said lots to the purchasers in fee, subject to the condition of building on each a dwelling house sixteen feet square at the least, with a brick or stone chimney, to be finished fit for habitation, within seven years from the day of sale, and pay the money arising from such sales to the said George Carrington, or his legal representatives.

2. The commissioners above named, who are hereby appointed trustees of the said town, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein as to them shall seem best; and to settle and determine all disputes concerning the bounds of the said lots.

3. If the purchaser of any lot in the town aforesaid shall fail to build thereon, within the time limited in his deed of conveyance, the trustees of the said town, where the lot has been sold by them, may thereupon enter into such lot, and sell the same again, and apply the money to the improvement of the streets of the said town, or for the purposes of any public institution that may hereafter be therein established.

4. Vacancies by death or otherwise of any one or more of the trustees of the said town, shall be supplied in manner prescribed by the act passed in the year one thousand seven hundred and seventy-eight, intituled, "*An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof.*"

CHAP. 46.—An ACT to amend the act, intituled, "An act concerning the town of Woodstock, in the county of Shenandoah."

(Passed January 10, 1799.)

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the freeholders, housekeepers, and free male persons above the age of twenty-one years, who shall have been residents in the town of Woodstock, and county of Shenandoah, one year next preceding the election, to meet at the courthouse in the said town, annually on the first Monday in April, and then and there elect five fit and able men, being freeholders and inhabitants of the said town, to serve as trustees thereof, who shall continue in office until the first Monday in April, in the succeeding year, and no longer, unless re-elected. Every trustee before he enters upon the execution of the duties required by this act, shall take an oath or affirm before a justice of the peace for the said county, that he will faithfully and impartially to the best of his skill and judgment, perform his duty according to this act.

2. Trustees of the said town, or a majority of them, shall have power to erect a market house in the said town, to appoint a clerk of the market, and to keep their own records, to establish an assize of bread, to remove nuisances and obstructions in the town or streets, at the expense of those who occasion them, and to keep three public wells in said town with pumps in good order, if necessary, and to impose taxes, not exceeding two hundred dollars annu-

ject to the conditions herein mentioned.

Said persons appointed trustees, with certain powers.

Penalty on purchasers of lots failing to build thereon in due time.

Vacancies in the office of a trustee how supplied.

Trustees of the town of Woodstock, when and how elected.

Empowered to build a market house, provide pumps, appoint a collector, and make general regulations concerning said town.

Penalty on persons violating such regulations.

Trustees to provide for cleaning streets and alleys in the town.

Elections of trustees to be conducted by the collector.

Repealing clause.

Commencement.

ally, on the tithables and property real and personal within the town, for carrying into effect all or any of the powers hereby given them; to make provision and regulations for collecting and accounting for the taxes so imposed, by appointing a collector, and directing distress to be made for delinquencies, or by any other way or means, and to make all such by-laws and regulations, not contrary to the laws and constitution of this commonwealth, as shall by them, or a majority of them, be thought necessary for carrying this act into effect. That any person or persons who shall violate such by-laws and regulations, shall be subject to such fine as the trustees, or a majority of them, may think proper to establish, not exceeding four dollars for any one offence, which shall be recoverable before any justice of the peace in and for the said county; and that the said monies arising from all such fines, shall by the said trustees be appropriated for the benefit and improvement of said town.

3. *And be it further enacted*, That the trustees, or a majority of them, as a part of their duty shall see that the streets and alleys of said town are kept in good order, and they shall have power to appoint a commissioner, and make appropriations for the same; and that it shall further be their duty, at the expiration of the term for which they were elected, to deliver to their successors in office all the unappropriated monies which shall remain in their hands, together with all the books and papers relating to their office.

4. *And be it further enacted*, That the election of the said trustees, shall annually be conducted by the collector of the said town, who shall make return of the persons so elected, together with a fair copy of the poll by him taken, to that trustee who shall have the greatest number of votes; who shall be president of the said trustees for the ensuing year, which shall be recorded with their other proceedings, in books to be kept for that purpose; and that the said collector be allowed a reasonable compensation for his services at the discretion of the trustees.

5. So much of all and every act or acts as comes within the meaning of this act, is hereby repealed.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 47.—An ACT concerning the town of Fairfax in the county of Culpeper.

(Passed January 9, 1799.)

Trustees of the town of Fairfax in Culpeper county authorized to pave footways in the streets thereof; determine disputes concerning bounds of lots, appoint a collector, make laws and regulations for the good government of the town, &c.

1. *Be it enacted by the general assembly*, That the trustees of the town of Fairfax, in the county of Culpeper, or a majority of them being present, and their successors, shall be and they are hereby authorized and empowered to keep the streets in the said town in repair, to have the footways in the principal streets posted and paved, at the expense of the owners of lots or parts of lots, fronting the said streets, (in case the owners refuse or neglect to post and pave the same) to remove nuisances out of the streets, alleys and public grounds of the said town, at the expense of those who occasion them; to open the streets and alleys of the said town agreeably to the original plan, recorded in the court of the said county of Culpeper; to ascertain and lay off the side and end streets, of the said town, to determine all disputes concerning the bounds of the said lots, which shall be final, unless controverted at law, within five years after such determination; to appoint a clerk;

to levy a tax annually not exceeding twenty-five cents, on each tithable within the said town, and to appoint a collector thereof. That the said trustees or a majority of them, shall assemble at least once in every month, and when assembled shall have power to form and establish such by-laws and rules, as they shall think proper and effectual for carrying the powers vested in them by this act into full effect; as also for the good government of the said town; to which rules and by-laws the said trustees shall affix their signatures; and be entered in a book to be kept for that purpose, which shall be open at all times for inspection: *Provided always*, That such by-laws and rules shall not be contrary to the laws and constitution of this commonwealth.

2. That on the last Monday in July which shall be in the year one thousand eight hundred, and on the same day annually thereafter, it shall be lawful for the freeholders, housekeepers, and all free male persons aged twenty-one years, who shall have been resident in the said town one year next preceding the election, to meet in some convenient place in the said town, to be appointed by the trustees or a majority of them, and then and there elect in the room of the former trustees, five fit and able persons, being inhabitants of the said town possessing the qualifications of electors under this act, to act and serve as trustees thereof until the next annual election, and no longer, unless re-elected: which election shall be conducted by the collector in like manner, as elections for delegates to the general assembly are conducted by sheriffs.

3. It shall be the duty of the present trustees, and of those hereafter to be elected, at the expiration of the term for which they were elected, to render a just account of their receipts and disbursements, to the succeeding trustees; and in case any balance shall remain unappropriated, to pay the same to their successors; and on failure thereof, it shall be lawful for the trustees for the time being, to recover the same by motion in the court of the said county of Culpeper: *Provided*, The said former trustees had ten days previous notice of such motion.

4. The trustees so to be elected, shall, before they enter upon the execution of their office, respectively take an oath or affirm before a justice of the peace for the said county, "*That he will faithfully and impartially, to the best of his judgment, execute the office of a trustee according to this act.*"

5. In case of the death, resignation or removal out of the said town, of any of the trustees within the year, such vacancy shall be supplied within ten days thereafter, by the freeholders and inhabitants of the said town, in like manner as the annual elections are directed to be made.

6. *And be it further enacted*, That the titles to all those lots in the said town which have been built on, shall be, and they are hereby declared to be, valid against all forfeitures which may have been incurred for any failure or neglect to build thereon within the time originally prescribed by law or the deeds of conveyance.

7. That Benjamin Shackelford, William C. Williams, Philip R. Thompson, Philip Lightfoot, Richard Norris, Archibald Hamilton and Henry Camp, shall be, and they are hereby constituted trustees of the said town, in addition to those appointed by the said recited act.

8. This act shall commence and be in force from and after the passing thereof.

Trustees of the said town when and how elected after the period herein mentioned.

Duty of the present trustees; and penalty in case of failure.

Proviso.

Trustees hereafter chosen shall take an oath of office.

Vacancies in the office of a trustee, how supplied.

Lots at this time built upon exempted from forfeiture.

Additional trustees.

Commencement.

CHAP. 48.—An ACT to establish towns on the lands of Alexander Madill, and Joseph Spencer, Abner Lord and Austin Nichols.

(Passed January 21, 1799.)

Town of Hicks's
ford established,
and trustees there-
of.

1. *Be it enacted by the general assembly*, That the land of Alexander Madill at the courthouse, in the county of Greenville, as the same is already laid off into lots and streets, shall be established a town by the name of Hicks's Ford, and that Turner Bynum, Nathaniel Rieves, Joseph Wilkins, Benjamin Jones, John B. Turner, John Fisher, John Goodwyn and William W. Wilkins, gentlemen, shall be, and they are hereby constituted trustees thereof.

Town of Vienna
established, and
trustees thereof.

2. That sixty acres of land, the property of Joseph Spencer, Abner Lord and Austin Nichols, in the county of Harrison, as the same are already laid off into lots and streets on the east bank of Ohio river, shall be established a town by the name of Vienna, and that Thomas Lord, Eleazar West, Samuel Beaumont, George Selden, Samuel Halley and Stephen R. Wilson, gentlemen, shall be, and they are hereby constituted trustees thereof.

Powers of the trus-
tees of said towns.

3. The trustees of the said towns respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the said lots.

Vacancies in of-
fice of a trustee
how supplied.

4. In case of the death, resignation or removal out of the county, of one or more of the trustees of the said towns respectively, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them, and the person so elected, shall have the same power and authority, as if he had been particularly named in this act.

Act herein men-
tioned repealed.

5. The act passed in December, one thousand seven hundred and ninety-five, intituled, "*An act to establish a town on the land of Joseph Spencer and Abner Lord, in the county of Harrison,*" shall be, and it is hereby repealed.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 49.—An ACT appointing and incorporating trustees of Stevensburg academy in the county of Culpeper.

(Passed January 15, 1799.)

Persons appointed
trustees of Ste-
vensburg acade-
my, and incorpo-
rated with privi-
leges herein enu-
merated.

1. *Be it enacted by the general assembly*, That French Strother, John Strode, Robert Slaughter, junior, Charles Carter, David Jameson, Reuben Zimmerman, William Gray, Gabriel Gray, Robert Latham, William C. Williams and Mordecai Barbour, gentlemen, be and they are hereby constituted and appointed, a body politic and corporate, by the name of "The Trustees of Stevensburg Academy," and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, in all causes in law or equity; and shall and may be capable in law, to purchase, receive and possess, goods and chattels, lands and tenements, in fee or otherwise; and the same to grant, lett, sell or assign: *Provided however*, That they shall not purchase, receive or possess more lands, tenements, goods and chattels, than shall be sufficient for carrying into effect the beneficial purposes of this institution.

Proviso.

2. Any five of the said trustees shall be a sufficient number to constitute a board, to appoint a president and tutors, a secretary,

Number of trus-
tees requisite to
form a board, ap-

treasurer and other necessary officers; and to make such by-laws, point officers, and rules and regulations as they may think necessary, for the benefit frame by-laws. and interest of the said academy, and not contrary to the laws and constitution of this state or of the United States.

3. The said trustees may remove or displace any of the said officers, when they shall see cause, and elect others in their stead. Trustees enabled to displace any officer.

4. In case of the death, resignation or removal to the distance of twenty miles from the said academy, or other legal disability of any of the said trustees, a majority of the remainder of them, shall have power to fill the vacancy thereby occasioned. Vacancies in the office of a trustee how supplied.

5. The said trustees may, and shall have power to receive subscriptions to the use and for the benefit of the said academy, and in case any person or persons, shall fail to comply with their subscriptions, to enforce the payment thereof, by motion on ten days previous notice, in any court of record within this commonwealth; saving to any person the right of trial by jury, in any case above twenty dollars, if he shall desire it. Trustees may take subscriptions and recover of delinquents on motion. Saving trial by jury.

6. The treasurer shall, when required, render a true and just account of his receipts, disbursements and proceedings under this act, and shall give bond with good security, payable to the said trustees, and their successors, with condition for the faithful performance of the duties required of him under the said act; and in case of a breach of any of the said duties, shall be liable to a recovery upon the said bond on motion or motions, in any court of record within this commonwealth, on ten days previous notice thereof, until the amount of the penalty of the said bond shall be recovered. Treasurer to enter into bond, conditioned for faithful discharge of his duty; and liable to judgment on motion in case of failure.

7. This act shall commence and be in force from the passing thereof. Commencement.

CHAP. 50.—An ACT giving further time to the proprietors of lots, in the town of Brownsburg, to build thereon.

(Passed December 31, 1798.)

1. *Be it enacted by the general assembly*, That the further time of five years, from and after the passing of this act, shall be, and are hereby allowed the proprietors of lots, in the town of Brownsburg and county of Rockbridge, to build upon and save the same; any law to the contrary thereof notwithstanding. Proprietors of lots in Brownsburg allowed a further time to build thereon.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 51.—An ACT to establish towns on the lands of John Mason and John Turberville in the county of Fairfax.

(Passed December 31, 1798.)

1. *Be it enacted by the general assembly*, That ninety acres of land, the property of John Mason, in the county of Fairfax, lying on Potowmack river, as the same are already laid off into squares, lots, streets and alleys, shall be, and the same are hereby established a town by the name of South Haven, and that Roger West, Charles Little, George Minor, Daniel McCarthy and Thompson Mason, gentlemen, are hereby constituted trustees thereof. Town of South Haven established in Fairfax county and trustees thereof.

2. That twenty acres of land, the property of John Turberville, lying near the Little falls, in the county of Fairfax, so soon as the same shall be laid off into lots and streets, shall be established a town by the name of Turberville, and Corbin Washington, James Town of Turberville established in Fairfax county and trustees thereof.

Wren, Simon Summers, John Jackson and Thomas Gunnell, gentlemen, are hereby constituted trustees thereof.

Trustees to return a plan to the court of the county.

3. The trustees of the said towns respectively, or a majority of them, shall cause a correct plan of the said towns, to be returned to the said county of Fairfax there to be recorded.

Trustees empowered to make regulations for building in said towns, and privileges of lot holders.

4. The trustees of the said towns respectively or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best; and to settle and determine all disputes concerning the bounds of the lots. So soon as the owners of any lot within the said towns, shall have built a dwelling house thereon, equal to sixteen feet square, with a brick or stone chimney, such owner shall have and enjoy the same privileges and immunities, which the freeholders and inhabitants of other towns, not incorporated, hold and enjoy.

Vacancies in office of a trustee how supplied.

5. Vacancies by death or otherwise, of any one or more of the trustees of the said towns respectively, shall be supplied by the remaining trustees, and the persons so elected, shall have the same power as if they had been named in this act.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 52.—AN ACT to establish towns on the lands of Joseph Coones and John Spilman, in the county of Culpeper.

(Passed December 31, 1798.)

Town of Jefferson established in the county of Culpeper, and trustees thereof.

1. *Be it enacted by the general assembly*, That twenty-five acres of land, the property of Joseph Coones, in the county of Culpeper, shall be, and the same are hereby vested in John Fishback, Thomas Spilman, John Dillard, Philip Latham, Thomas Freeman, John Spilman, senior, Robert Freeman, Francis Payne and William Farguson, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Jefferson.

Town of Springfield established in Culpeper county, and trustees thereof.

2. That twenty acres of land, the property of John Spilman, in the county of Culpeper, shall be, and the same are hereby vested in Thomas Spilman, Elisha Matthews, John Fletcher, William Tapp and John Spilman, senior, gentlemen, trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Springfield.

Lots therein to be sold by the trustees of said towns, conditions of sale, &c.

3. So soon as the lands of the said Joseph Coones and John Spilman, shall be respectively laid off into lots, the trustees of each, or a majority of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of the sale shall be previously advertised for two months, in one of the Fredericksburg newspapers, and convey the same to the purchasers in fee, subject to the condition of building on each lot a dwelling house, the superficial content of the foundation whereof is twelve feet square, or equal to that quantity, with a brick or stone chimney, to be finished fit for habitation within five years from the day of sale; and to pay the money arising from the sales of the said lots, to the proprietors of the said lands, or their legal representatives.

Trustees empowered to make regulations concerning building, &c.

4. The trustees of the said towns respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes about the bounds of the said lots.

5. So soon as the purchasers of lots in the said towns, shall have built thereon according to the conditions of their respective deeds of conveyance, they shall then be entitled to, and have and enjoy all the rights, privileges and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

Privileges of purchasers of lots in said towns after having built thereon.

6. If the purchaser of any lot in either of the said towns, shall fail to build thereon, within the time herein before limited for that purpose, the trustees of the said town, where such failure happen, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town.

Penalty on failing to build on lots within the time herein limited.

7. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 53.—An ACT to enable the freeholders of the county of Harrison, residing within that part thereof to be erected into a new county, by the name of Wood, to give their suffrages at the next election, within the bounds of the said intended county.

[Passed January 10, 1799.]

Whereas the extent and particular situation of the county of Harrison, renders it highly inconvenient, and almost impossible for a considerable part of the freeholders thereof, to attend the various elections in the said county, at the place where the same are now held; and whereas it is unjust, that those persons would on this account be deprived of their rights of suffrage:

Preamble.

1. *Be it enacted by the general assembly, and it is hereby enacted by the authority of the same,* That the sheriff or any deputy sheriff for the aforesaid county, shall on the fourth Wednesday in April next, cause a poll to be taken at the house of Hugh Phelps, near the mouth of the Little Kanawha, in the manner prescribed by an act, intitled, “*An act concerning elections of members of general assembly,*” for the purpose of receiving the votes of all freeholders of the said county, who shall reside in that part thereof, lately erected into a new county by the name of Wood, as well for representatives in the state legislature, as a member of this state in the congress of the United States: And the said sheriff or his deputy, shall cause the number of votes so taken, to be added to the poll taken at the courthouse of the said county of Harrison, which shall be to all intents and purposes as valid in the election of a representative to the congress of the United States, and of members of the state legislature, as if said votes had been given at the courthouse aforesaid.

Elections of members to congress, and the legislature of the state, when and where to be held in the county, and to be added to the poll taken in Harrison county.

2. This act shall commence and be in force from the passing thereof.

Commencement.

CHAP. 54.—An ACT to establish a town on the lands of William Skinker, in the county of Prince William.

(Passed January 11, 1799.)

1. *Be it enacted by the general assembly,* That the land of William Skinker, lying at the place known by the name of the Red House, in the county of Prince William, as the same is already laid off into lots, with convenient streets, shall be established a town, by the name of Hay-Market, and that Henry Washington, Bernard Hooe, Edward Carter, Edmund Brooke, Richard Alexan-

Town of Hay-Market established at the Red House in Prince William county, and trustees thereof.

Empowered to make by-laws for the government thereof.

Privileges of lot holders therein.

Vacancies in the office of trustee, how supplied.

Commencement.

der, William Tyler, George Tyler, Washington J. Washington and Matthew Whiting, are hereby constituted trustees thereof.

2. The said trustees, or a majority of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the said lots, and to make such rules and regulations for the building of houses thereon, as to them shall seem most proper.

3. The purchasers of lots, when they shall have respectively built thereon, according to the conditions of their deeds, shall have the same rights, privileges and immunities, which the freeholders of other towns in this state, not incorporated hold and enjoy.

4. In case of the death, resignation or removal out of the county, of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to supply such vacancy; and the persons so elected, shall have the same power as if they had been particularly named in this act.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 55.—An ACT to amend the act, intituled, "An act to establish a town and an inspection of tobacco, on the lands of John Nelson, in the county of Mecklenburg, and for other purposes."

(Passed January 11, 1799.)

Preamble.

Whereas the ferry established from the land of John Nelson, in the county of Mecklenburg, across the thoroughfare of Dan and Staunton, to the opposite shore, has been found inconvenient:

Former ferry discontinued and one established in lieu thereof at place herein mentioned.

1. *Be it therefore enacted*, That the said ferry shall henceforth be discontinued at the said place, and that a ferry shall be established from the land of the said John Nelson, known as the Mill Quarter landing, in the said county of Mecklenburg, across Staunton river, to the Fork landing, in the county of Halifax.

Name of town of Nelson altered to that of Little York.

2. That the name of the town established on the lands of the said John Nelson, shall instead of Nelson, be called and known by the name of Little York; and that the inspection of tobacco, established on the land of the said John Nelson, shall henceforth be called and known by the name of Nelson's warehouse.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 56.—An ACT concerning the town of Harrisonburg in the county of Rockingham.

[Passed January 16, 1799.]

Trustees of Harrisonburg empowered to open streets and make regulations for the better government of the town, according to the power herein given them.

1. *Be it enacted by the general assembly*, That the trustees of the town of Harrisonburg, in the county of Rockingham, for the time being, and their successors, or a majority of them, shall have power to open and repair from time to time, the streets and alleys in the said town, and for that purpose to require the male labouring titables resident therein, to work on such streets and alleys, and to appoint one or more surveyors thereof; to establish a market and appoint a clerk thereof, with such salary as they shall judge proper; to regulate weights and measures; to open two public wells, and keep the same fit for use, if necessary; to impose fines not exceeding four dollars for any one offence, to be recovered in the name of the trustees by warrant before a justice of the peace, and applied to the purposes of this act; and to make such by-laws, rules and regula-

tions, as the said trustees, or a majority of them shall deem most proper for carrying this act into effect.

2. The male labouring tithables within the said town shall be, and they are hereby exempted from working on the roads without the limits of the said town; any law to the contrary notwithstanding.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 57.—An ACT to incorporate a librarian society at Front Royal in the county of Frederick.

[Passed January 18, 1799.]

1. *Be it enacted by the general assembly*, That the librarian society, at Front Royal, in the county of Frederick, shall be, and they are hereby incorporated and made a body politic, by the name of the "Front Royal Librarian Society," and by that name shall have perpetual succession, and a common seal; and by that name may sue and be sued, implead and be impleaded, with power to make such by-laws, rules and regulations for their conduct and government, as to them shall seem best.

Librarian society at Front Royal incorporated with certain powers herein mentioned.

2. The officers of the said librarian society, shall consist of a president, treasurer, two directors, and librarian.

Officers of the society.

3. The president and directors shall be chosen by the said society on the first Saturday in April, annually; who, or a majority of them shall have power to appoint a treasurer and librarian, and ascertain their salaries.

President and directors how chosen.

4. All penalties imposed on the members of the said society, and librarian, shall be recoverable on motion, in the court of the said county of Frederick, where the sum amounts to five dollars or upwards, and if under that sum, by warrant before a magistrate, in either case with costs.

Penalties imposed on members how recoverable.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 58.—An ACT concerning John Hutcheson, John Rogers and William M'Clung.

[Passed January 11, 1799.]

1. *Be it enacted by the general assembly*, That the governor of this commonwealth, by and with the advice of the council of state, be and he is hereby authorized and empowered to examine and liquidate the claim of John Hutcheson, John Rogers and William M'Clung, and thereupon to make them such allowance for the services performed by them, as commissioners under an act passed in the year one thousand seven hundred and ninety-six, intituled, "*An act for assessing the lands in the counties of Greenbrier, Kanawha, and Randolph*," as he the said governor shall be advised, is just and reasonable, without the certificate of the court of Greenbrier, required by the fifth section of said act; and shall direct the auditor of public accounts, to issue to the said John Hutcheson, John Rogers and William M'Clung, a warrant or warrants on the treasurer for such sum as shall be allowed them, payable out of any money in the treasury not otherwise appropriated by law.

Executive to settle the account of J. Hutcheson and others; and make them for services by them performed such allowance as shall seem just.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. 59.—An ACT concerning John Cullins.

(Passed January 1, 1799.)

John Cullins
placed on the pen-
sion list.

1. *Be it enacted by the general assembly*, That John Cullins, who was wounded in an expedition against the Indians in the year one thousand seven hundred and seventy-seven, and thereby of late become disabled from supporting himself by labour, shall be placed on the list of pensioners, and the auditor of public accounts shall be and he is hereby authorized and required to issue to the said John Cullins, on application in person or by attorney, a pension warrant for the sum of forty dollars during his life, to be paid in like manner as other pension warrants are.

Auditor to issue
him a warrant for
his immediate re-
lief.

2. *And be it further enacted*, That the auditor of public accounts shall be, and he is hereby authorized to issue also to the said John Cullins, on application as aforesaid, a warrant on the treasurer for forty dollars for his immediate relief; to be paid to him out of any money in the public treasury not otherwise appropriated.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 60.—An ACT to discontinue the pension heretofore allowed to Benjamin Blackburne.

(Passed January 23, 1799.)

Preamble.

Whereas it appears to the general assembly, that Benjamin Blackburne, now an inhabitant of the state of Tennessee, draws an annual pension of fifty dollars from the treasury of this commonwealth, and is not an object who ought to come within the benefit of the pension law.

B. Blackburne
stricken off pen-
sion list.
Repealing clause.

1. *Be it therefore enacted*, That from and after the passing of this act, the said pension shall be discontinued.

2. All acts coming within the purview of this act, are hereby repealed.

CHAP. 61.—An ACT concerning the town of Warminster in the county of Amherst.

(Passed January 25, 1799.)

Preamble.

Whereas by an act, intituled, "*An act for establishing a town and an inspection of tobacco on the lands of Nicholas Cabell, in the county of Amherst*," William Cabell, John Rose, Henry Martin, Patrick Rose, William Loving, Samuel Jordan Cabell, Charles Rose, William Cabell, junior, Clough Shelton, Abraham Warwick, William Bibb and John Howard, were appointed trustees of the town of Warminster, in the county of Amherst, of whom the said William Cabell, Henry Martin, William Loving, Clough Shelton and William Bibb, have since departed this life, and whereas it is represented as impracticable to procure a meeting of a majority of the surviving trustees, on account of the great distance at which some of them reside from the said town:

Trustees of the
town of Warmin-
ster in lieu and
with like authority
of others hereto-
fore appointed.

1. *Be it therefore enacted*, That the said John Rose, Patrick Rose and Charles Rose, who reside at very inconvenient distances from the said town shall from henceforth be discontinued as trustees of the said town, and that Robert Rives, William B. Hare, John Johnston, Charles Yancey, Samuel Spencer, David Tryal, John Turner and Willis Wills, shall be and the same are hereby appointed trustees of the said town, in the room of the said William Cabell, Henry Martin, William Loving, Clough Shelton, Wil-

liam Bibb, John Rose, Patrick Rose and Charles Rose, and shall possess and exercise all the rights and powers which might have been possessed and exercised by those, to supply whose vacancies they have been appointed.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 62.—An ACT for refunding a sum of money to Daniel Muse.

(Passed January 10, 1799.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts be, and he is hereby authorized and required, to issue to Daniel Muse in person or by attorney, a warrant on the treasurer for eighty dollars and eighty-five cents, of militia certificates or the value thereof, being the amount of damages paid into the treasury by the said Daniel Muse, on a judgment on behalf of the commonwealth, obtained against him as security for Charles Lee, late sheriff of Northumberland county; and the said warrant shall be payable by the treasurer, out of any militia certificates, or money in the public treasury not otherwise appropriated by law.

Auditor to issue a certificate to D. Muse for damages paid on a judgment had against him by the commonwealth.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 63.—An ACT for holding fairs in the town of Alexandria.

(Passed January 12, 1799.)

1. *Be it enacted by the general assembly*, That the corporation of the town of Alexandria, shall and they are hereby required and empowered to procure and set apart two acres of ground, within their jurisdiction, for the purpose of holding fairs therein, on the third Monday in April, and the third Monday in October in every year; and the said corporation are hereby authorized to make such regulations respecting the said fairs, as to them shall seem most proper.

Fairs to be holden in the town of Alexandria, and ground to be provided by the corporation thereof.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 64.—An ACT directing a duplicate of a land warrant to be issued to Vincent Tapp.

(Passed January 2, 1799.)

1. *Be it enacted by the general assembly*, That the register of the land office be, and he is hereby authorized and directed, to issue to Vincent Tapp, a duplicate of a military land warrant, heretofore issued to him for two hundred acres of land, in consequence of his services as a serjeant major in the eighth Virginia regiment of the late continental army.

Register to issue a duplicate land warrant to Vincent Tapp.

2. This act shall commence and be in force from and after the Commencement, passing thereof.

CHAP. 65.—An ACT authorizing the common council of the borough of Norfolk to appropriate and apply the taxes thereof.

(Passed January 18, 1799.)

1. *Be it enacted by the general assembly*, That the taxes laid and assessed on the freeholders and inhabitants of the borough of Norfolk by the common council thereof, shall hereafter be appropriated and applied under their direction, in such manner as to

Taxes assessed on the inhabitants, by common council of Norfolk, to be applied under their direction.

them may seem best, for the benefit and interest of the inhabitants of the said borough, any thing to the contrary notwithstanding.

Commencement.

2. This act shall commence and be in force from and after the first day of March next.

CHAP. 66.—An ACT for issuing a duplicate of a land warrant to John Moran.
(Passed January 9, 1799.)

Register to issue a duplicate land warrant to John Moran.

1. *Be it enacted by the general assembly*, That the register of the land office be, and he is hereby directed to issue to John Moran, a duplicate of a military land warrant, for two hundred acres of land, which was originally issued to Charles Powell, for his services as a serjeant in the continental line of the American army, in the time of the war with Great Britain.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. 67.—An ACT concerning George Willis.
(Passed January 9, 1799.)

Auditor to issue a warrant to George Willis, a soldier who was wounded in the course of the war with Britain.

1. *Be it enacted by the general assembly*, That the auditor of public accounts shall be, and he is hereby authorized and required to issue to George Willis, who, by reason of wounds received while in military service, in the course of the late war, has been rendered unable to support himself by labour, a warrant or warrants for the sum of sixty dollars, for his immediate relief, to be discharged by the treasurer out of any money in the treasury not otherwise appropriated by law.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 68.—An ACT concerning the heirs of Peter Francis de Tubeuf, deceased.

[Passed January 9, 1799.]

Francis and Alexander de Tubeuf allowed a further time to discharge a sum of money due by them to the public.

1. *Be it enacted by the general assembly*, That Francis and Alexander de Tubeuf, surviving heirs of Peter Francis de Tubeuf, deceased, be and they are hereby allowed until the first day of January, one thousand eight hundred and four, to repay the balance which may be due of a sum of money advanced by the commonwealth, on a loan to the said Peter Francis de Tubeuf, in his lifetime, to enable him and certain French emigrants, who came with him into this commonwealth, to settle their lands in the county of Russell.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 69.—An ACT concerning James Pollard.
(Passed December 24, 1798.)

Auditor to issue a warrant to James Pollard, levying an execution on behalf of the commonwealth.

1. *Be it enacted by the general assembly*, That the auditor of public accounts be, and he is hereby authorized and required to issue a warrant on the treasury in favor of James Pollard, who was a deputy under John Berryman, sheriff of the county of Lancaster, for the year one thousand seven hundred and eighty-five, for the sum of twenty dollars and seventy-five cents, in full for his commissions for levying an execution sued out of the general court, in the year aforesaid, on behalf of the commonwealth, against the property of James Gordon, which was not sold in consequence of

certain instructions to the said James Pollard from Leighton Wood, junior, esquire, then solicitor general.

2. This act shall commence and be in force from and after the Commencement. passing thereof.

CHAP. 70.—An ACT concerning Samuel Overton.

(Passed January 2, 1799.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts shall be, and he is hereby authorized and required, to issue to Samuel Overton, a warrant or warrants on the treasury for the sum of eight hundred and thirty-three dollars and sixty-seven cents, as an additional compensation for five acres of land lately condemned by virtue of a writ of *ad quod damnum* for the purpose of establishing a public manufactory of arnis, to be paid out of any money in the public treasury not otherwise appropriated by law.

Auditor to issue a warrant to S Overton, for certain land, condemned for public use.

2. This act shall commence and be in force from and after the Commencement. passing thereof.

CHAP. 71.—An ACT concerning Joseph Locke and Henry L. Gaskins.

(Passed January 16, 1799.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts be, and he is hereby authorized and required to issue to Joseph Locke, in person, or by attorney, a warrant or warrants on the treasurer, for the sum of one hundred and sixty-seven dollars, for certain repairs done by the said Joseph Locke to Indian creek warehouse, in the county of Northumberland: also to Henry L. Gaskins, in person, or by attorney, a warrant or warrants for the further sum of forty-two dollars, for weights and scales furnished by the said Henry L. Gaskins for the said warehouse, which said warrants shall be paid by the treasurer out of the surplus of duties arising from the exportation of tobacco from this commonwealth.

Auditor to issue warrants to certain persons herein named for repairs done to Indian creek warehouse.

2. This act shall commence and be in force from the passing thereof. Commencement.

CHAP. 72.—An ACT concerning Edward Tatum, Daniel Carlin and William Mitchell.

(Passed January 24, 1799.)

1. *Be it enacted by the general assembly*, That Edward Tatum, Daniel Carlin and William Mitchell, shall be, and they are hereby allowed to discharge the balance of the taxes due from the county of Washington, for the years one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four, for the payment whereof they are bound as securities for Thomas Mitchell, collector of the said taxes, by paying the sum of three thousand three hundred dollars, on or before the first day of February, one thousand eight hundred, and by paying the residue thereof with lawful interest on the same, in four equal and annual payments: *Provided however*, That the said Edward Tatum, Daniel Carlin, and William Mitchell, shall by sufficient deeds to be approved of by the courts of the counties of Patrick and Henry, mortgage to the public treasurer and his successors for the benefit of the commonwealth, so much of their lands in the said counties, as the said courts shall think sufficient for the payment of the taxes aforesaid, which deeds shall be trans-

Time allowed to Edward Tatum and others, securities of sheriff of Washington, to discharge certain taxes.

Provided they shall secure the payment thereof as herein mentioned.

Such of said taxes as were due in certificates, to be scaled.

Further proceeding at law against them suspended.

Commencement.

mitted by the clerks of the said courts to the auditor of public accounts within three months after the same are admitted to record.

2. Such of the aforesaid taxes as were payable in certificates shall be scaled by the said auditor agreeable to the act passed in the year one thousand seven hundred and ninety-five, intituled, "*An act for the relief of the people of Washington, Botetourt and other counties respecting the arrears of their certificate taxes.*"

3. And be it further enacted, That all further proceedings on behalf of the commonwealth against the said Edward Tatum, Daniel Carlin and William Mitchell, on account of the said taxes shall be suspended until they shall fail to make either of the payments aforesaid.

4. This act shall commence in force from the passing thereof.

CHAP. 73.—An ACT for adding certain lands to Charlestown, in the county of Berkeley.

(Passed January 9, 1799.)

Certain land added to and made part of Charlestown in Berkeley county.

1. *Be it enacted by the general assembly*, That eighty acres of land lying on the west end, and also twenty acres of land lying on the south side of Charlestown, in the county of Berkeley, the property of Samuel Washington, so soon as the same shall be laid off into lots, with convenient streets, shall be annexed to, and thenceforth held, deemed and taken, as a part of the said town of Charlestown.

Certain lots and streets heretofore laid off, added to and made part of said town.

2. And whereas some lots and streets at the west end of said town were laid off under a presumption of being included within the original limits thereof, and doubts have arisen respecting the termination of such original limits, to remove which doubts,

Be it further enacted, That all the said lots and streets heretofore laid off on the west end of said town, shall henceforth be considered as included therein, and constituting a part thereof, to all intents and purposes.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 74.—An ACT to alter the name of a town in the county of Grayson.

(Passed January 25, 1799.)

Town in Grayson county, heretofore called Jonesborough, altered to that of Greenville.
Repealing clause.

1. *Be it enacted by the general assembly*, That the name "Jonesborough," by which the town established at the courthouse, in the county of Grayson, was called and known, shall be changed to, and hereafter called and known by the name of Greenville.

2. So much of the act, intituled, "*An act to establish several towns*," passed in December, one thousand seven hundred and ninety-six, as comes within the meaning of this act, is hereby repealed.

CHAP. 75.—An ACT for paying the officers of the general assembly for their services during the present session.

(Passed January 25, 1799.)

Allowances to the officers of assembly for their services.

1. *Be it enacted*, That the allowance to the officers of the general assembly, for their services during the present session shall be as follows, that is to say: To the chaplain, twenty dollars per week; to the clerk of the house of delegates, one hundred and forty-five dollars per week; to the clerk of the senate, seventy-two dollars and fifty cents per week; to the clerk of the committees of propo-

sitions and grievances, and privileges and elections, forty dollars per week; to the clerk of the committee for courts of justice, forty dollars per week; to the clerk of the committee of claims, forty dollars per week; to the serjeant at arms to the senate and house of delegates, each thirty-seven dollars per week; to each of the door keepers of the senate and house of delegates, twenty-one dollars per week; to Thomas Nicolson, for printing the journals of the senate, one hundred and fifty dollars; and to the person who cleans the capitol, thirty-four dollars.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 76.—An ACT to amend the act, to increase the pension of John Consolver, and for other purposes.

(Passed December 31, 1798.)

Whereas it appears to the present general assembly, that the allowance made to John Consolver, a soldier, who lost both his arms and was otherwise severely wounded at Buford's defeat, during the late war, is inadequate to his support:

1. *Be it enacted*, That in lieu of the pension allowed him by an act of the last session of the general assembly, and in addition to the allowance made him by the United States, he be allowed annually from the seventeenth day of January, one thousand seven hundred and ninety-eight, during his life, the sum of thirty dollars, payable in like manner as other pensioners of this state are paid.

Pension allowed John Consolver.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 77.—An ACT concerning Peter Holland, and others.

(Passed January 12, 1799.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts shall be, and he is hereby authorized and required, to issue to Peter Holland, in person or by attorney, a warrant on the treasurer for forty-eight dollars and forty-five cents, the value of one hoghead of tobacco, weighing twelve hundred and sixty-four pounds nett, destroyed in Rocky Ridge warehouse when the same was consumed by fire, to be paid out of the surplus of duties arising from the exportation of tobacco from this commonwealth.

Auditor to issue a warrant to P. Holland.

2. *And be it further enacted*, That the auditor of public accounts be, and he is hereby authorized and required to issue in like manner, to David and Robert Maitland, merchants, a warrant on the treasurer for one hundred and twenty dollars and ten cents, the value of three thousand one hundred and thirty-three pounds of tobacco belonging to them, also lost in Rocky Ridge warehouse when the same was consumed by fire; to be paid by the treasurer out of the same fund as is herein before directed respecting Peter Holland.

Auditor to issue a warrant to D. and R. Maitland.

3. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 78.—An ACT to authorize John Royal to erect a toll bridge over Appamattox river.

(Passed January 23, 1799.)

1. *Be it enacted by the general assembly*, That it shall be lawful for John Royal, his heirs or assigns, to erect a bridge from his land

J. Royal authorized to erect a bridge over Appamattox.

in the county of Amelia, over Appamattox river, to abut on the land of Peter F. Archer in the county of Powhatan.

Tolls allowed for passing the said bridge.

2. So soon as the said bridge shall be completed, it shall be lawful for the said John Royal, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man six cents and one fourth of a cent, and for a horse the same; for every coach, chariot, four wheeled chaise or waggon, and the driver thereof, the same as for six horses; for every cart, two wheel chaise or chair, the same as for two horses; for every hogshead of tobacco as for one horse; for every head of neat cattle, as for one horse; for every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse and no more.

Penalty for demanding more, and how recoverable.

3. If the collectors of tolls at the said bridge, shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing, he shall for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars, to be recovered with costs, before a justice of the peace of the said county.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 79.—An ACT supplementary to the act concerning John Hutcheson, John Rodgers and William M'Clung; and concerning John Cullins, George Willis and Daniel Muse.

(Passed January 23, 1799.)

Declaring the construction of the act concerning J. Hutcheson and others.

1. *Be it enacted by the general assembly*, That so much of the act concerning John Hutcheson, John Rodgers and William M'Clung, as declares that they shall be paid out of any money in the treasury not otherwise appropriated, shall be so construed as to authorize the treasurer to pay their services as certified by the executive, out of any money that may be in the treasury, any law to the contrary notwithstanding.

Also the act concerning J. Cullins.

2. *And be it further enacted*, That so much of the act, intituled, "*An act concerning John Cullins*," as declares that the said John Cullins shall be paid out of any money in the treasury not otherwise appropriated, shall be so construed as to authorize the treasurer to pay the said John Cullins, agreeably to the said act, out of any money that may be in the treasury, any law to the contrary notwithstanding.

Also the acts concerning G. Willis and D. Muse.

3. *And be it further enacted*, That so much of the acts, intituled, "*An act concerning George Willis*," and the act, intituled, "*An act concerning Daniel Muse*," as declare that the said George Willis, and the said Daniel Muse, shall be paid out of any money in the treasury not otherwise appropriated, shall be so construed as to authorize the treasurer to pay the said George Willis and Daniel Muse, agreeably to the said acts, out of any money that may be in the treasury, any law to the contrary notwithstanding.

Commencement.

4. This act shall commence in force from the passing thereof.

CHAP. 80.—An ACT for the present relief of John Thompson, a soldier, who was wounded in colonel Buford's defeat.

(Passed January 22, 1799.)

Preamble.

Whereas it has been represented to the present general assembly, that John Thompson, who was duly enlisted a soldier during the war, and at the defeat of colonel Buford received several dan-

gerous and injurious wounds in his body, face and arm, which said wounds render him unable to support himself by labour: And whereas it appears that want of information as to the mode of applying to the general government, together with some accidental circumstances attending his vouchers, since he obtained such information, hath prevented him from getting any relief from congress; and his present necessitous situation making it right and proper that this unfortunate and brave soldier should be allowed something for his present relief:

1. *Be it therefore enacted*, That it shall and may be lawful for the auditor of public accounts, and he is hereby directed to issue to the said John Thompson, a warrant on the treasurer, for the sum of sixty dollars, to be paid out of any money in the treasury.

Auditor to issue a warrant to J. Thompson.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 81.—An ACT for the immediate relief of Charles M'Graw.

[Passed January 25, 1799.]

Be it enacted, That Charles M'Graw, who was a soldier in the Virginia line during the late war, and was disabled at West Point, in the year one thousand seven hundred and seventy-eight, while in performance of his duty, which disability has now so far increased as to render him totally unable to support himself by labour, be allowed the sum of sixty dollars; and that the auditor of public accounts issue to the mayor of the city of Richmond, as trustee, for the said Charles M'Graw, a warrant on the treasurer for the said sum, as an immediate relief and support, until application can be made to the general government on behalf of this unfortunate man.

Auditor to issue a warrant to the mayor of Richmond for the relief of C. M'Graw.

CHAP. 82.—An ACT vesting in James Swinton and Anna Swinton, certain lands therein mentioned.

(Passed January 3, 1799.)

1. *Be it enacted by the general assembly*, That all the right, title and interest, which the commonwealth hath or may have, in or to a certain tract of land lying in the county of Caroline, whereof George Swinton died seized, and which by his last will and testament, he devised to his nephew, James Swinton, who was then an alien, and which land, in consequence thereof, escheated to the commonwealth, shall be, and the same is hereby vested in the said James Swinton, who is now a citizen of the said commonwealth, to be by him held and enjoyed in the same manner as if he had been born a citizen of the said commonwealth.

Interest of the commonwealth in certain lands herein described vested in J. Swinton.

2. *And be it further enacted*, That all the right, title and interest, which the commonwealth hath, or may have, in or to one other tract of land whereof the said George Swinton also died seized, containing about seven hundred and ten acres, lying in the said county, and which was purchased by the said George Swinton of James Robb and Joseph Richerson, subsequent to the date of his said will, shall be, and the same is hereby vested in Anna Swinton, widow and relict of the said George, and in the said James Swinton, to be held by them as tenants in common: *Provided however*, That the buildings on the said land shall be, and are hereby allotted to the said Anna, without any account or valuation thereof; saving, however, to all and every person or persons, bodies

Interest of commonwealth in other land herein described vested in J. Swinton and Anna Swinton.

Proviso.

Saving the rights of others.

politic and corporate, (other than the commonwealth) any right, title or interest, which he or they might or would have had, in or to the said tracts of land, or any part thereof, if this act had never been made.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 83.—An ACT vesting in the children of George Gilmer, deceased, certain lands therein mentioned.

(Passed January 12, 1799.)

Interest of the commonwealth in certain lands herein described vested in the children of G. Gilmer, deceased.

1. *Be it enacted by the general assembly*, That all the right, title and interest, which the commonwealth hath or may have in or to the following lands, lying in the county of Henry, which George Harmer, by his last will and testament devised to a certain George Gilmer, and which since the death of the said George Gilmer, it is supposed have become escheatable to the commonwealth, to wit: One tract called Marrow Bone, containing by estimation two thousand five hundred and eighty-five acres: one other tract called Horse Pasture, containing by estimation two thousand five hundred acres: and one other tract called the Poison Field, containing by estimation six hundred sixty-seven and an half acres, shall be and the same are hereby released to, and vested in the children, whether heirs or devisees, of the said George Gilmer, deceased, to be by them held and enjoyed according to their respective rights of inheritance or devise under his will (as the case may be) in the same manner as if the said George Gilmer had died seized of the said lands in fee simple, and an office had been actually found thereof. Saving, however, to a certain John Lambert, who as heir at law of the said George Harmer, claims the said lands, and to all and every other person or persons, bodies politic and corporate, (other than the commonwealth) any right, title or interest, which he or they might or would have had, in or to the said lands, or any part thereof, against the said children and devisees, if this act had never been made.

Saving the rights of others.

Commencement.

2. This act shall commence in force from the passing thereof.

CHAP. 84.—An ACT concerning Samuel Coleman, collector of certain taxes therein mentioned.

(Passed January 2, 1799.)

Commission allowed for collecting certain taxes herein mentioned.

1. *Be it enacted by the general assembly*, That Samuel Coleman, collector of the taxes due in the county of Norfolk, for the years one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, and of those due in the county of Princess Anne, for the years one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, shall be, and he is hereby allowed in lieu of the commissions now allowed by law, at and after the rate of seven and an half per centum, for collecting the said taxes: *Provided however*, That the said Samuel Coleman, shall be deprived of the benefit of this act, unless he shall on or before the first day of April next, pay into the treasury the amount of the said taxes, after deducting therefrom the commissions aforesaid, and insolvencies.

Proviso.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 85.—An ACT to exempt the tithables in the town of Alexandria, from a certain part of the county levy.

[Passed December 31, 1798.]

1. *Be it enacted by the general assembly*, That the tithable persons within the town of Alexandria shall be, and they are hereby exempted from the payment of that part of the levy of the county of Fairfax, which has been, or shall be appropriated towards defraying the expense of erecting the public buildings for the use of the said county: And that if any person shall have paid his or her proportion of that part of the said levy to the sheriff or collector, the same shall be repaid.

Tithables of Alexandria exempt from part of the county levy.

2. *And be it further enacted*, That the justices of the said county of Fairfax shall, and they are hereby empowered, at their court to be holden in the month of February or March next, to levy on the residue of the tithables of the said county, such sum or sums of money as shall be sufficient to make good the deficiency arising from the exemption aforesaid.

Deficiency thereby created, how made up.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

RESOLUTIONS.

IN THE HOUSE OF DELEGATES,

MONDAY, December 10, 1798.

Resolved, That the executive be, and they are hereby empowered to purchase, for the use of the commonwealth, of Augustine Davis, the late public printer, the blank tobacco notes he had on hand at the termination of his office, a provision of which was necessary to answer the current demand: And that they be moreover authorized to make him compensation for any public printing he may have performed between the conclusion of his year as public printer, and the appointment of his successor in that office.

Agreed to by the senate, December 11, 1798.

TUESDAY, December 18, 1798.

Resolved, That the executive be empowered and required to extend the periods within which two contracts for arms, entered into with this government by Mr. James Swann, were to be complied with, unto the first day of July, one thousand seven hundred and ninety-nine, and that they be requested to give Mr. Swann the earliest information thereof.

Agreed to by the senate, December 21, 1798.

FRIDAY, December 21, 1798.

Resolved, That the general assembly of Virginia, doth unequivocally express a firm resolution to maintain and defend the constitution of the United States, and the constitution of this state, against every aggression either foreign or domestic, and that they will support the government of the United States in all measures warranted by the former.

That this assembly most solemnly declares a warm attachment to the union of the states, to maintain which it pledges all its powers; and that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that union, because a faithful observance of them, can alone secure its existence and the public happiness.

That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact; as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

That the general assembly doth also express its deep regret, that a spirit has in sundry instances, been manifested by the federal government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which having been copied from the very limited grant of powers in the former articles of confederation were the less liable to be misconstrued) so as to destroy the meaning and effect, of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the states by degrees, into one sovereignty, the obvious tendency and inevitable consequence of which would be, to transform the present republican system of the United States, into an absolute, or at best a mixed monarchy.

That the general assembly doth particularly protest against the palpable and alarming infractions of the constitution, in the two late cases of the "Alien and Sedition acts" passed at the last session of congress; the first of which exercises a power no where delegated to the federal government, and which by uniting legislative and judicial powers to those of executive, subverts the general principles of free government, as well as the particular organization, and positive provisions of the federal constitution; and the other of which acts, exercises in like manner, a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto;—a power, which more than any other, ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right.

That this state having by its convention, which ratified the federal constitution, expressly declared, that among other essential rights,

"the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, having with other states, recommended an amendment for that purpose, which amendment was, in due time, annexed to the constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shewn, to the most palpable violation of one of the rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this commonwealth, having ever felt, and continuing to feel, the most sincere affection for their brethren of the other states; the truest anxiety for establishing and perpetuating the union of all; and the most scrupulous fidelity to that constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the general assembly doth solemnly appeal to the like dispositions of the other states, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid, are unconstitutional; and that the necessary and proper measures will be taken by each, for co-operating with this state, in maintaining the authorities, rights, and liberties, reserved to the states respectively, or to the people.

That the governor be desired, to transmit a copy of the foregoing resolutions to the executive authority of each of the other states, with a request that the same may be communicated to the legislature thereof; and that a copy be furnished to each of the senators and representatives representing this state in the congress of the United States.

Agreed to by the senate, December 24, 1798.

FRIDAY, January 4, 1799.

Resolved, That the general assembly of Virginia will co-operate with the authorities of the United States, in maintaining the independence, union and constitution thereof, against the hostilities or intrigues of all foreign powers whatsoever; and that although differences of opinion do exist in relation to internal and domestic measures, yet a charge that there is a party in this commonwealth, under the influence of any foreign power, is unfounded and calumnious.

Resolved, That the general assembly do, and will always, behold with indignation, depredations on our commerce;—insults on our citizens;—impressments of our seamen, or any other injuries, committed on the people or government of the United States, by foreign nations.

Resolved nevertheless, That our security from invasion, and the force of our militia, render a standing army unnecessary: That the policy of the United States, forbids a war of aggression; that our whole reliance ought to be on ourselves; and therefore, that while we will repel invasion at every hazard, we shall deplore and deprecate the evils of war for any other cause.

Resolved, That a copy of the foregoing resolutions, be sent to each of the senators and representatives of this state in congress.

Agreed to by the senate, January 10, 1799.

FRIDAY, January 11, 1799.

The general assembly of Virginia, considering that the privation of personal rights solemnly sanctioned by the constitution of the United States, is arbitrary and unjust; that the right of election to office, is one of the most important secured thereby to the citizen; and that it ought not to be destroyed or impaired, especially by regulations having a retrospective operation:

Therefore Resolved, That the proposition from the legislature of the state of Massachusetts, having for its object, the exclusion of certain citizens from their eligibility to offices, which they now actually possess; and the exclusion of other persons, who may become possessed thereof upon the performance of certain conditions held out to them by existing laws;—thus by a retrospective regulation improper in itself, and inconsistent with the spirit of all our civil institutions, infringing the rights of persons solemnly guarantied by the constitution and laws—is arbitrary and unjust; and, that it ought not to receive the approbation of the general assembly.

The general assembly nevertheless concurring in opinion with the legislature of Massachusetts, that every constitutional barrier should be opposed to the introduction of foreign influence into our national councils:

Resolved, That the constitution ought to be so amended, that no foreigner who shall not have acquired rights under the constitution and laws at the time of making this amendment, shall thereafter be eligible to the office of senator or representative in the congress of the United States, nor to any office in the judiciary or executive departments.

Agreed to by the senate, January 16, 1799.

THURSDAY, January 24, 1799.

Resolved, That the claim of the representatives of colonel Thomas Elliot to an allowance of land, under the resolution of this assembly of June 23d, 1784, be in the strongest manner recommended to the congress of the United States, inasmuch as that allowance was made by this assembly, because the said Thomas Elliot had served in the state and continental troops for a longer period than that requisite by law to perfect a title to the said lands; as he was a most meritorious officer, and as he lost his health, and ultimately his life, in consequence of such service, leaving a large family, already much injured, by his long ill health greatly distressed; and inasmuch as this family will nearly be ruined by the expenses attending the location and survey of these lands, from a confidence in the resolution of this state, which was made both on account of the imperfect state in which the cession of western lands was placed by the recommendation of congress to revise the same, and also from a hope that the federal government would view the circumstances of this peculiar case in the same light with this assembly.

Agreed to by the senate, January 24, 1799.

RULES OF THE HOUSE OF DELEGATES,
OF A GENERAL NATURE.

Any person shall be at liberty to sue out an original writ of subpoena, in chancery, in order to prevent a bar by the statute of limitations, or to file any bill in equity to examine witnesses thereupon, for the sole purpose of preserving their testimony against any member of this house, notwithstanding his privilege: *Provided*, That the clerk, after having made out and signed such original writ, shall not deliver the same to the party, or to any other person, during the continuance of that privilege.

Any person summoned to attend this house, or any committee thereof, as a witness in any matter depending before them, shall be privileged from arrest during his coming to, attending on, or going from the house or committee; and no such witness shall be obliged to attend until the party at whose request he shall be summoned, do pay or secure to him, for his attendance and travelling, the same allowance which is made to witnesses attending the general court.

If any person shall tamper with any witness in respect to their evidence to be given in this house, or any committee thereof, or directly or indirectly endeavor to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanor, and this house will proceed with the utmost severity against such offender.

No person shall be taken into custody of the serjeant at arms, on any complaint of a breach of privilege, until the matter of such complaint shall be examined by the committee of privileges and elections, and reported to the house.

No memorial or petition shall be received, praying for the division of any county or parish, changing the place of holding any court, or other local matter, unless the purport of the said petition or memorial shall have been fixed at the door of the courthouse, or other house of holding courts, of the county where such alteration is proposed, at two different courts, and shall have remained there one day during the sitting of each court, one month at least previous to offering the same; and no petition or memorial shall be received, or bill brought in for establishing or discontinuing ferries, or other matters affecting private right or property, unless the party or parties interested shall have one month's notice thereof, if known to the petitioners; and if not known, the purport of such memorial, petition or bill, shall be set up at the courthouse, or other place of holding courts, in the manner before directed; and also three times inserted in some newspaper of the state most convenient for conveying the intended information, one month before offering or moving for the same.

No petition shall be received claiming a sum of money, or praying the settlement of unliquidated accounts, unless it be accompanied with a certificate either from the executive, or auditor of public accounts, that the said claim had been laid before them, respec-

tively, and containing the reasons why they refused to settle the same: *Provided*, That this order shall not extend to any person applying for a pension.

The period of fifteen days from the day on which the house of delegates annually form a house, shall be prescribed for the reception of petitions, Sundays excluded.

No petition of a private nature, having been once rejected, shall be a second time acted on, unless it shall be supported by new evidence; nor shall any such petition, after a third disallowance, be again acted on.

No memorial or petition shall be received, praying that damages may be remitted or refunded, or that the petitioner may be relieved in any manner against a judgment obtained against him on behalf of the commonwealth, unless a copy of the said memorial or petition shall have been delivered to the auditor and attorney general, at least five days previous to offering the same.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY, THE SECOND DAY OF DECEMBER, ONE THOUSAND SEVEN
HUNDRED AND NINETY-NINE.

CHAP. 1.—An ACT to amend an act, intituled, "An act for appointing electors to choose a president and vice president of the United States."

(Passed January 20, 1800.)

Whereas, until some uniform mode for choosing a president and vice president of the United States, shall be prescribed by an amendment to the constitution, it may happen under the law of the commonwealth, for appointing electors for that purpose, that a choice may take place contrary to the will of a majority of the United States, and also contrary to the will of a majority of the people of this state, which would be inconsistent with the true intent and meaning of the constitution of the United States; and although this commonwealth is willing to accede to any reasonable and proper amendment of the said constitution to remedy the said evil, yet for as much as it ought in the mean time to be counteracted by every constitutional regulation within the power of the legislature, until it shall be so removed:

1. *Be it enacted by the general assembly,* That the persons qualified to vote for electors of a president and vice president of the United States, under the act, intituled, "*An act for appointing electors to choose a president and vice president of the United States,*" shall each vote hereafter for twenty-one electors, in manner herein directed. The governor, with the advice of council, shall on or before the first day of August, in every year wherein such election is to take place, appoint and commission three persons, in each county of this state, for the purpose of executing this law, any two or more of whom shall be competent to act. Each person before he enters upon the duties herein enjoined, shall take and subscribe the following oath: "*I, A. B., do solemnly swear, faithfully and truly to execute the office of a commissioner under the act, intituled, 'An act to amend an act, intituled, 'An act for appointing electors to choose a president and vice president of the United States,' that I will, to the best of my skill and judgment,*

Preamble.
Mode of election
by commissioners.

admit all persons to vote entitled to do so, and reject all who are not so entitled, and that I will make a fair return of the persons voted for as electors, within my county, and of the number of votes given for each, according to this act: So help me God." Which affidavit the magistrate administering the oath, shall return attested, to the clerk of the county court, to be by him filed; and the said magistrate shall also give to such commissioner a certificate that he had taken the oath prescribed by this act. It shall be the duty of the said commissioners to attend at the several places for holding the said elections, directed by law, and then and there to hold the same in manner following: They shall receive of each person whom they shall adjudge to be entitled to a vote, a paper containing the names of twenty-one persons for whom such individual shall vote as electors, on the back of which paper, shall also be written the name of the person voting, and as the votes are rendered, it shall be the duty of the said commissioners, to take an exact poll of the names of all voters. It shall be the duty of the clerk of each county, to attend at the said election for the electors of a president and vice president of the United States, with the list of the lands as taxed therein, to be used by the said commissioners as evidence towards ascertaining the right of any person to a vote. If it shall appear to the said commissioners, that the persons entitled to vote were prevented from attending by bad weather, or from any other cause, they are hereby empowered and required to keep the poll open for a term not exceeding two days. So soon as the poll is closed, the said commissioners shall subscribe each sheet upon which the same containing the names of all the voters shall be taken, and also obtain the subscription of two or more credible persons thereto, which poll thus subscribed, it shall be their duty to file in the clerk's office of the said county or corporation, within ten days of the time of holding the election, there to be recorded according to law. The said commissioners shall, within two days after the poll shall be closed, ascertain the number of votes given for every person, who shall be so voted for as an elector: *Provided*, That until the return shall be signed by the commissioners holding the elections, the tickets so delivered in, shall be kept by one of the said commissioners, under the seal and superscription of more than one, and shall never be opened or examined by less than two of the said commissioners. Every voter shall vote for one person residing in each electoral district, and in case any ticket shall contain two or more names of persons residing in the same district, the first of such names only shall be considered as duly voted for; and in like manner, if two or more persons shall be of the twenty-one first upon the poll, who shall reside in the same district, he who shall have the greatest number of votes shall only be duly elected. The said commissioners shall within three days after closing the poll as aforesaid, make out three copies of a return in the following form: "*We, A. B., &c. commissioners for holding the election of electors for a president and vice president of the United States, for the county, city or borough (as the case may be) of do hereby certify, that an election was held on the first Monday of November for the said county, city or borough, (as the case may be) pursuant to law, and that the number of votes herein specified, opposite to the names of the several persons following, was given for such persons as electors for the state of Virginia, of a president*

and vice president of the United States, namely, (here such list of persons and votes is to follow.) Given under our hands and seals, this day of one thousand eight hundred .”

Which returns, written in words and not in figures, shall be sealed and subscribed by the commissioners holding the election. One of the said returns shall be delivered to some person among the twenty-one who shall have therein the greatest number of votes, another shall be filed in the clerk's office of the county or corporation electing, and the third shall be transmitted to the governor and council, all of which shall be done within fifteen days after the same shall be made out; and the governor and council shall proceed to ascertain from the said returns, the twenty-one persons having the greatest number of votes throughout this state, and to advertise their names in such gazettes as they may think proper.

2. If on account of death, sickness or other cause, only one of the said commissioners shall attend at the time and place for holding the said election, he is hereby empowered to associate with himself as a commissioner, the high sheriff, or any magistrate of the county or corporation electing, who being qualified as before directed, shall be as competent to act as if he had been appointed by the governor, with the advice of council. It shall be the duty of the sheriff of every county, and of the serjeant of every corporation, entitled to elect, to attend the said commissioners during the said election, and to remove force should any be offered. And if any sheriff shall fail in his duty as aforesaid, or if any commissioner shall refuse to take the poll, being required so to do, by a candidate or person qualified to vote, or shall take it contrary to this act, or shall make or sign a false return, or shall falsify the poll or tickets, by erasure or alteration, he or they so offending, shall for every such offence, forfeit and pay the sum of three hundred dollars, to be recovered with costs in an action of debt, before any court of record, by any person who will sue for the same. After the said return shall be made, it shall be the duty of the said commissioners to seal up all the tickets or votes by them received in manner herein directed, and endorse their names upon the cover as aforesaid, which shall be preserved by one of the said commissioners, and shall, if demanded under an order from the governor, with the advice of council, within six months of the said election, be forthwith delivered under the penalty before prescribed, in other cases of misconduct; but if the said tickets or votes shall not be so demanded within six months, the commissioner holding the same shall no longer be considered as answerable for them. The governor, with the advice of the council, is hereby empowered to defray by order on the treasury, all reasonable expenses which may attend the execution of this act, and also the expense which may be incurred in transmitting the said returns to the executive wherever it shall appear that it was necessary to employ a special messenger for that purpose.

3. And be it further enacted, That the twenty-one persons having the greatest number of votes under this act, shall be the electors of a president and vice president of the United States, for and on behalf of this state: *Provided*, They attend for that purpose at the time and place directed by law. But if it shall happen from death, sickness, or any other cause, or by reason of two or more persons having an equal number of votes so that neither

Provision in case
of commissioner's
death, &c.

Mode of deciding
the election.

appears to be elected, that twenty-one electors do not attend on the day and at the place appointed before the hour of ten, qualified to vote for a president and vice president of the United States, on behalf of this state, it shall be lawful for the senate and house of delegates of this commonwealth, and they are hereby empowered and required to appoint forthwith by joint ballot, any person or persons necessary to fill up any such vacancy or vacancies, until the number of twenty one electors, for the purpose aforesaid is completed, which elector or electors so appointed, shall be entitled to vote for a president and vice president of the United States, in the same manner as if he or they had been chosen in manner herein before prescribed.

Repealing clause. 4. So much of the first recited act or of any other act as comes within the purview of this act, shall be, and the same is hereby repealed.

Commencement. 5. This act shall commence and be in force from and after the passing thereof.

CHAP. 2.—An ACT laying taxes for the support of government.

(Passed January 23, 1800.)

Taxes on land,
slaves, &c.

1. *Be it enacted by the general assembly*, That the public taxes for the year one thousand seven hundred and ninety-nine, shall be as follows, to wit: On lands, for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been or shall be exempted, by reason of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse and jack ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheel riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel; for all phaetons and stage waggons, eighty-four cents per wheel; for every other riding carriage with two wheels, forty-three cents per wheel; and for all lots and houses in towns, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such house or lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the commissioners of the revenue or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners or either of them to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare on oath or solemn affirmation, what is the amount of the rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion on ten days previous notice, to be made by the commissioners of the revenue, or either of them: *Provided*, That no tax shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning. Every covering horse or jack ass which shall not be duly entered with the commissioners of the

Proviso.

Public property
exempted from
tax.

tax, and all such horses and asses brought into this commonwealth, subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place at which he shall stand, upon whom it shall be distrainable by the sheriff, as if it had been entered in the commissioner's book; for two thirds whereof the sheriff shall be accountable to the public, and in case of failure to pay the same, shall forfeit two hundred dollars, to be recovered with costs, on motion after ten days notice by the auditor, for the use of the commonwealth: *Provided*, That any person so bringing such horse or ass into the state, entering him with the commissioner within ten days thereafter, and paying the tax to which he would have been liable, had he been duly entered, to the sheriff or collector; shall be absolved from the said penalty, and the said commissioners shall subjoin the said horse or ass to the list of taxables.

2. *And be it further enacted*, That upon any person's producing to the commissioner of the revenue for the county, district, or corporation, a receipt for the sum of forty dollars paid to the sheriff or collector, such commissioner shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall, in like manner, receive a license to retail such goods for the same time. And if any person shall sell such merchandize either by wholesale or retail, on land or on board any vessel, without having obtained such license, such person shall forfeit and pay five hundred dollars, to be recovered by the commissioner in any court of record, on ten days previous notice, and to be paid to the sheriff for the use of the commonwealth; of which licenses and fines the commissioners shall annually in their books, return a list to the auditor of the public accounts, on or before the fifteenth day of September, specifying names, which shall be good evidence whereupon to charge the sheriff or collector: *Provided nevertheless*, That not above one tax shall be paid on account of so selling at one and the same store, and if any person shall possess two or more stores, he or she shall pay one tax for each store: *And provided also*, That nothing contained in this or any other act shall be so construed as to impose a tax on planters or farmers for selling salt or iron to their neighbours, purchased as a return load for their produce carried in their waggons or otherwise to market. All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for and during the term of one year: *Provided*, That if any new store shall be opened on land between the said first day of May, and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year, and its amount shall be specified in the license, and in the commissioner's return.

Licenses to merchants selling goods, wholesale or retail.

Penalty on dealing without such license first obtained.

Proviso.

3. *And be it further enacted*, That the act concerning hawkers and pedlars shall be so construed, as to make it necessary for each hawker and pedlar, to obtain a license.

Concerning hawkers and pedlars.

4. *Be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares, and merchandize, shall in the court of each county, at the courthouse of which he offers goods for sale, enter of record his license, obtained for vending goods, wares, and merchandize, for which he shall pay twenty-five cents to the clerk, and the clerk of each court shall keep a list of such

Licenses granted to hawkers and pedlars to be recorded.

Allowance to commissioner for issuing such license.

Clerks of courts to return a list of pedlars' licenses to the auditor.

Notices on motions against sheriffs and other officers herein mentioned.

Commission allowed for collecting tax on licenses.

Commissioner to return list of licenses to county or corporation court for examination.

Clerks of courts authorized to administer oaths in certain cases.

licenses granted to hawkers and pedlars, and recorded, stuck up in some public place in the courthouse, expressing when the license was granted, when they will expire, and by what court they were granted, from their April court to the end of the year: And in case of failure, each hawker or pedlar shall be subject to the same penalty as if he had no such license. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant of the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid. Clerks of courts shall annually, on or before the first day of October, return to the auditor a list of all hawkers' and pedlars' licenses granted by their respective courts, previous to the first day of September in every year, and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion on ten days previous notice. The clerks of courts shall also on or before the fifteenth of December in every year, account on oath to the auditor of public accounts for all taxes received by them, by virtue of their offices, previous to the first day of September in such year. So much of the act passed at the last session, intituled, "*An act to impose certain taxes on law process, and for other purposes*," as is contrary hereto, shall be, and is hereby repealed.

5. And for the more effectual collection of the taxes as aforesaid, and others, which may become due to the commonwealth, *Be it further enacted*, That ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector, or notary public, for the purpose of recovering a judgment for any taxes, fine, or public dues of any kind, where by law the auditor is authorized to proceed against them, or any of them, by motion. No sheriff or other collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after twelve months shall have expired, from the period of the taxes becoming payable by such sheriff or collector, to which such list relates. A commission of five per cent. and no more shall be allowed to sheriffs and collectors for the collection of the taxes on licenses to be granted to merchants under this act, and on licenses to be granted to hawkers and pedlars under an act, intituled, "*An act concerning hawkers and pedlars*;" any law to the contrary notwithstanding. A list of all licenses granted to merchants shall be returned by the commissioner granting the same, to the county or corporation courts for their examination; after which the said lists shall be delivered to the sheriffs or collectors, who shall annually, on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury.

6. This act shall commence in force from the passing thereof.

CHAP. 3.—An ACT to enable clerks of courts to administer oaths in certain cases.

(Passed January 6, 1800.)

1. *Be it enacted*, That the several clerks of courts of this commonwealth and their deputies be, and they are hereby empowered to administer oaths in all cases wherein an affidavit is necessary as the foundation of any official act to be performed by any such clerk, which affidavit shall be filed, and shall in every respect be as effectual as if the oath thereto had been administered by a justice of

the peace. And if any person sworn by any clerk or his deputy, by virtue of this act, shall give any evidence under such circumstances as would have constituted the same to be perjury, if done in presence of a court of record, the same shall be deemed perjury to all intents and purposes.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 4.—An ACT concerning the public square in the borough of Winchester.

(Passed December 31, 1799.)

Whereas it hath been represented that James M. Marshall is willing to convey to such persons as may be empowered by the general assembly of Virginia, to take a conveyance, all his right, title and interest, in and to the public square in the borough of Winchester, in the county of Frederick, except that part on which the church stands, and the church yard annexed thereto:

1. *Be it therefore enacted*, That any deed of conveyance made and executed by the said James M. Marshall for the public square as aforesaid, to the justices of the county aforesaid, the mayor and aldermen of the said borough of Winchester, and their successors, (to and for the use of the said borough of Winchester and county of Frederick) shall be as good and valid in law, as if such conveyance had been made to an individual.

Preamble.

Certain persons authorized to take a deed of conveyance for the public square.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 5.—An ACT for adding part of the county of Monongalia to the county of Harrison.

(Passed January 1, 1800.)

1. *Be it enacted by the general assembly*, That all that part of the county of Monongalia, within the following bounds, to wit: Beginning at the mouth of the west fork of Monongalia river, thence running a north-west course, until it strikes Buffalo creek, thence up the said creek to the main fork thereof, thence with the ridge that divides the waters of the said fork to the line of Ohio county, and with that line to the line of Harrison county, shall be, and the same is hereby added to, and made a part of the said county of Harrison: *Provided always*, That nothing herein contained shall be construed to prevent the sheriff or collector of the said county of Monongalia, from collecting and making distress for any public dues or officers' fees remaining unpaid by the inhabitants of the said county of Monongalia, hereby added to the county of Harrison, but he shall collect and account for the same in like manner, as if this act had not been made.

A certain portion of Monongalia county added to the county of Harrison.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 6.—An ACT to amend the act, intituled, "An act incorporating the trustees of the Charlestown academy, in the county of Berkeley."

(Passed January 1, 1800.)

1. *Be it enacted by the general assembly*, That the second section of the act, intituled, "An act incorporating the trustees of the Charlestown academy in the county of Berkeley," passed December the fifteenth, one thousand seven hundred and ninety-seven, shall be, and the same is hereby repealed.

The second section of the act incorporating Charlestown academy repealed.

A majority of the trustees to constitute a board.

2. *And be it further enacted*, That a majority of the trustees of the said academy shall be a sufficient number to constitute a board, and have power to enact such by-laws, not contrary to any of the laws of this commonwealth, as may conduce to the benefit of the said academy, and also to determine what number of trustees may be necessary to constitute a board upon particular emergencies.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 7.—An ACT for issuing duplicate certificates to Richard Bruce.

(Passed January 1, 1800.)

The treasurer directed to issue duplicate certificates to R. Bruce.

1. *Be it enacted by the general assembly*, That the treasurer of this commonwealth shall be, and he is hereby authorized and required to issue to Richard Bruce in person, or by attorney, duplicates of two certificates, that is to say: one for the sum of sixty-one pounds nineteen shillings specie, in lieu of sixty-one thousand nine hundred and fifty pounds paper money funded, and the other for the sum of sixteen pounds five shillings and three pence specie, in lieu of sixteen thousand two hundred and sixty-three pounds paper money funded; which said certificates were issued on the first day of October, in the year one thousand seven hundred and eighty-two, and on the first day of January last past accidentally destroyed by fire: *Provided*, That the said Richard Bruce shall previously execute to the governor or chief magistrate of this commonwealth and his successors, for the use and benefit of the commonwealth, a bond with sufficient security in the penalty of five hundred dollars, with a condition for the full and absolute indemnification of the said commonwealth against all and every claim or claims, which may arise or be preferred and established against the same, for or on account of the said original certificates so destroyed as aforesaid.

Bond of indemnity to be given to the commonwealth.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 8.—An ACT concerning the service of certain process and the returns thereon.

[Passed January 28, 1800.]

1. *Be it enacted by the general assembly*, That where any sheriff or other officer shall return on any original or *mesne* process to him directed, that he has been kept off by force of arms, it shall and may be lawful for the plaintiff in the action in which the process so returned was issued, either to issue an *alias* or *pluries*, as the case may be, or to proceed in the said action against the defendant or defendants, as if such process had been returned executed.

2. This act shall be in force from and after the passing thereof.

CHAP. 9.—An ACT for appointing an inspector of flour at the Ocoquan mills.

[Passed January 7, 1800.]

The court of P. William authorized to appoint an inspector of flour at the Ocoquan mills.

1. *Be it enacted by the general assembly*, That the court of the county of Prince William shall nominate and appoint a proper person to be inspector of flour at the place called and known by the name of the Ocoquan mills, to be under the same rules and regulations, and subject to the like penalties as prescribed and inflicted by the act, intituled, "*An act reducing into one the several acts for*

regulating the inspection of flour and bread." The inspector of flour at the said place, shall receive from the owner thereof, two cents for each cask by him inspected.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 10.—An ACT for altering the place of holding courts in the county of Isle of Wight.

[Passed January 7, 1800.]

Whereas it hath been represented to this present general assembly, that the place of holding courts in the county of Isle of Wight, is inconvenient to the inhabitants thereof, and they have made application for an act to pass to remove the same to the lands of Francis Boykin, as a more central situation, who is willing to erect a courthouse and jail at his own expense, on having the materials contained in the public buildings at Smithfield vested in him:

1. *Be it therefore enacted*, That Emanuel Wills, John Goodrich, James Wills, Robert Eley and Joseph Moody, gentlemen, shall be, and they hereby constituted commissioners, who, or a majority of them, are empowered and required to contract and agree with the said Francis Boykin, for erecting at his own expense, a courthouse and jail (of proper and sufficient dimensions and strength) at the most convenient place on the land of the said Francis Boykin, and that when such buildings shall be completed, a court for the said county shall thenceforth be constantly held at the said place.

Commissioners appointed to contract for the erection of a courthouse and jail.

2. *And be it further enacted*, That whensoever the said Francis Boykin shall have completed the building of the said courthouse and jail, and the same shall be received by the said commissioners, or a majority of them, that thenceforth all the public buildings at Smithfield, belonging to the said county of Isle of Wight, shall be, and they are hereby vested in the said Francis Boykin, to and for his own proper use, and in case any of the said buildings shall be sold before that period, that then the said Francis Boykin shall receive the amount of such sales: *Provided*, That nothing herein contained shall be so construed as to affect the right, title or interest of any person or persons, bodies politic or corporate, of, in or to the present public buildings of the said county herein mentioned, other than the right of the commonwealth: *And provided also*, That the said Francis Boykin shall be obliged to convey to the commonwealth the same quantity of land now claimed by it, and the buildings he shall so erect thereon, before he shall avail himself of the benefit of this act, relative to the present public buildings.

When the undertaker shall have completed the same the public buildings at Smithfield vested in him.

Proviso.

Conditions of the contract.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 11.—An ACT to repeal the act authorizing the executive to remit the damages and fines incurred by sheriffs and collectors in certain cases.

[Passed January 4, 1800.]

1. *Be it enacted*, That the act of assembly, intituled, "*An act authorizing the executive to remit the damages and fines incurred by sheriffs and collectors in certain cases*," shall be and the same is hereby repealed; except in this, that the executive shall still be authorized to remit damages or fines incurred by sheriffs or collec-

The act authorizing the executive to remit damages, &c. repealed, with an exception.

The court before whom the auditor moves against delinquents vested with discretion to remit damages.

The 6th section of the act laying taxes repealed.

tors before the twenty-sixth day of December, in the year one thousand seven hundred and ninety-four, on the terms in the said above recited act set forth and contained: *Provided however*, That when a motion is made by the auditor of public accounts against any delinquent sheriffs or collectors, and notice as heretofore required being first given, the court in pronouncing judgment upon the case, shall and may take into consideration all circumstances which may, in their opinion, entitle the party to a remission of damages, and give judgment for the same or not, as they may think proper.

2. *And be it further enacted*, That the sixth section of the act, intituled, "*An act laying taxes for the support of government*," shall be, and the same is hereby repealed.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 12.—An ACT concerning the glebe land in the county of Hardy.

(Passed January 4, 1800.)

Preamble.

Whereas application hath been made to the present general assembly, by sundry inhabitants of the county of Hardy, for a disposition of certain glebe lands within the said county, for the benefit of the poor thereof:

The glebe land vested in the overseers of the poor for the use of the poor.

1. *Be it enacted by the general assembly*, That the glebe land and its appurtenances in the county of Hardy, shall be, and the same are hereby vested in the overseers of the poor of the said county and their successors, who, or a majority of them, are hereby authorized and empowered to apply and appropriate the same in such manner as they may think best for the benefit of the poor of the said county: *Provided however*, That nothing herein contained shall be construed so as to authorize the said overseers to sell the said land and appurtenances or any part thereof.

The overseers prohibited from selling it.

Those who have rented out the land, authorized to recover the rent.

2. *And be it further enacted*, That the person or persons who have rented out the said lands, or their successors, or the legal representatives of either of them, may now sue for and recover any sum or sums of money, or tobacco which may be due from any person or persons, or their legal representatives, for the rent of the same, and the money or tobacco so recovered shall be first subject to pay any balance which may be due by the late vestry of the said county, to any person or persons or their legal representatives entitled thereto; and the residue of the said money or tobacco shall be paid to the overseers of the poor of the said county, or their successors, to be by them, or a majority of them, applied to the use and benefit of the poor therein: And in case the same be not forthwith paid to the said overseers, or their successors, or a majority of them, they or a majority of them may recover the same in the court of the said county of Hardy, of the person or persons in whose name the same was recovered in the first instance, after giving ten days previous notice of such motion,

How such rent shall be applied.

Overseers of the poor authorized to recover certain rents.

The overseers to return an annual account of their proceedings to the court.

3. *And be it further enacted*, That the said overseers shall, in the month of September or October, in every year, return to the court of the said county, an account of their proceedings under this act, which shall be by the clerk of the said court entered among the records thereof.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 13.—An ACT making compensation for the tobacco destroyed by the burning Robert Bolling's warehouse, and for other purposes.

(Passed January 1, 1800.)

Whereas it hath been represented that a quantity of tobacco has been destroyed by the accidental burning of Robert Bolling's warehouse, in the town of Petersburg, the exact quantity and the names of the proprietors whereof cannot now be properly ascertained; to the end, therefore, that a just account thereof may be stated, and the sufferers receive compensation for their losses:

1. *Be it enacted*, That Joseph Jones, William Cole, and William Clark, gentlemen, shall be, and they are hereby constituted and appointed commissioners for taking, examining, and stating the accounts, claims, and demands of the proprietors of the tobacco destroyed at the warehouse aforesaid; and in stating the accounts, the said commissioners, or any two of them, shall distinguish the quantity of crop and transfer tobacco, and such as shall have been top stemmed, separately, which accounts the said commissioners, or any two of them, shall return under their hands and seals to the executive, on or before the first day of March next, and the executive, on receipt of the said accounts, are hereby authorized to direct payment of the same to be made out of the public treasury, to the respective proprietors of the said tobacco destroyed, at the price of five dollars per cent. for crop tobacco and four dollars per cent. for transfer, and for top stemmed crop tobacco six dollars and sixty-seven cents: *Provided*, That if the tobacco so burnt or destroyed shall have been inspected more than twelve months, the same shall not be paid for by the public, but the owner or proprietor thereof shall bear the loss. The said commissioners, or any two of them, are hereby empowered and required to meet at such times and places as they shall think fit, (of which time and place public notice shall be given in the Petersburg Intelligencer, at least four weeks before such meeting) and to examine any person or persons they shall think necessary for their information, relating to the said accounts, and to administer an oath (as the case may require) to any person, for the better discovering the true quantity of tobacco so destroyed.

Preamble.

Commissioners appointed to state the demands, &c. of the proprietors of the tobacco destroyed.

The quality of the tobacco to be distinguished in the statement.

Rate of compensation.

And whereas many hogsheads of tobacco were rolled out of said warehouse, while it was burning, and afterwards deposited in other warehouses in the town of Petersburg, most of which now remain under the care of the inspectors at the said other warehouses:

2. *Be it further enacted*, That the inspectors in whose care the same now is, shall give to the inspectors at Robert Bolling's warehouse, a receipt therefor, containing the numbers, marks, gross, tare, and nett weight of every hogshead or cask of tobacco, and the inspectors shall respectively be thenceforth liable and chargeable for all the tobacco so by them received, but he or they shall in no wise be liable for the loss of weight or quality of the tobacco contained in any hogshead or cask for which a receipt was by him or them given; and the inspectors at Robert Bolling's warehouse shall deliver to the inspectors at the other warehouses in the town of Petersburg, in whose care the same may be, a list containing the numbers, marks, gross, tare and nett weight of every hogshead or cask of tobacco, distinguishing in such list what part thereof they have not issued receipts for. And whereas it is also represented that many hogsheads of tobacco in the said warehouse, were consumed

The inspectors who received tobacco saved at the burning of R. Bolling's warehouse, to give receipts therefor, and liable for the same.

in part only, and that the quantity of one hundred and sixty-five thousand three hundred and sixty-one pounds of tobacco, has been saved from the unconsumed part of the said tobacco, and has been prized and inspected at the other warehouses in the town of Petersburg, the sale thereof will in some degree reimburse the public for their compensation to the proprietors of the tobacco destroyed :

The commissioners authorized to sell the tobacco saved from hogsheds partly consumed.

3. *Be it further enacted*, That the commissioners aforesaid, or any two of them, shall, after giving four weeks public notice of the day or days of sale in some one of the Petersburg and Richmond newspapers, proceed to make sale of the tobacco last mentioned on a credit until the first day of October next, taking bond with approved security from each purchaser, payable to the treasurer of this commonwealth, for the use of the commonwealth, and shall return the said bonds to the auditor of public accounts within one month after the day of sale : And if any purchaser of the said tobacco shall not discharge his bond on or before the said first day of October, it shall be lawful for the judges of the general court, at the ensuing November session of the said court, or at any subsequent session thereof, on the motion of the auditor of public accounts, to give judgment and award execution on the said bonds, with interest thereupon, against the party delinquent and his security or securities : *Provided*, That judgment shall be awarded against such of them as shall have ten days previous notice at least of such intended motion : *Provided also*, That if the party to be affected by such motion shall demand a trial by jury, in such case, a jury shall be summoned to try the same immediately, upon an issue to be made up at the bar, under the direction of the said court.

Vacancies how supplied.

4. In case of the death, disability, or refusal to act of any of the said commissioners, the executive are hereby authorized to fill the vacancy occasioned by such death, disability or refusal, with any fit and proper person or persons residing in or near the town of Petersburg.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 14.—An ACT to amend and reduce into one the several acts concerning the town of Fairfax in the county of Culpeper.

(Passed December 31, 1799.)

The powers of the trustees defined.

1. *Be it enacted by the general assembly*, That the persons hereafter named and appointed as trustees of the town of Fairfax, in the county of Culpeper, and their successors, or a majority of them being present, shall be, and they are hereby authorized and required to open the streets and alleys of the said town, agreeably to the original plan thereof, recorded in the court of the said county of Culpeper ; to determine all disputes concerning the bounds of the said lots, which shall be final, unless controverted at law within five years after such determination ; to appoint a clerk ; to keep the streets and alleys in the said town in repair, and to that end they shall be and are hereby authorized and required to appoint a surveyor thereof, who shall have power to require and compel the several tithables within the said town to work on the said streets and alleys, in the same manner and under the same penalties as is prescribed by law concerning public roads. And the said trustees shall assemble from time to time at some convenient place within

the said town, and when assembled shall have power to form and establish such by-laws, rules and regulations, not contrary to the laws and constitution of this state, or the United States, as they shall think proper and effectual, for carrying the powers vested in them by this act into full effect; to which rules and by-laws, as well as all their other proceedings, the said trustees shall affix their signatures, to be entered in a book or books to be kept for that purpose, which shall be open at all times for inspection.

2. *And be it further enacted*, That the tithables in the said town, shall be, and are hereby exempted from working on any other public roads or streets in the county of Culpeper.

The tithables within the town exempted from working on other roads.

3. *And be it further enacted*, That the several owners of lots on the principal or main street, known by the name of Coleman street, in the said town, shall within three years from the passing of this act, build or cause to be built on the said lots, a good house, the superficial contents of the foundation whereof shall be at least eighteen by sixteen feet, with a brick or stone chimney thereto, or a good stove within, and enclose the same with a good post and rail fence or paling; and that if the owner or owners of unimproved lots lying on the principal or main street as aforesaid, shall fail or neglect to build thereon such house, and enclose the lot as aforesaid within the time hereby allowed, it shall and may be lawful for the said trustees to enter into such lot or lots, and sell the same, and apply the money arising therefrom to such purposes as they shall think proper, for the benefit of the said town: *Provided, always*, That the time and place of such sale be advertised in some newspaper of this commonwealth, and also at the door of the courthouse of the said county of Culpeper, and at other public places in the said town, at least three weeks previous to such sale: *And provided also*, That the said trustees may for sufficient reasons appearing to them, allow such further time or times for improving as aforesaid, in any particular case or cases as they shall think proper.

The owners of lots on the main street bound to make certain improvements.

Penalty for failure.

4. *And be it further enacted*, That the titles to all those lots in the said town, which shall have been built on, shall be, and they are hereby declared to be valid against all forfeitures which may have been incurred for any failure or neglect to build thereon, within the time originally prescribed by law, for the execution of the deeds of conveyance.

Certain forfeitures saved.

5. *And be it further enacted*, That the owners of all other lots, except those above mentioned, shall enclose the same with a good fence or paling within one year, from the passing of this act, and upon failure thereof, the said trustees shall have power, and are hereby required to enter into the said lots, and sell the same in the manner and under the like restrictions, as are herein before mentioned with respect to lots on the main street, and apply the money arising therefrom to the same purposes.

Certain inclosures to be made under pain of forfeiture.

6. *And be it further enacted*, That in case of the death, resignation, removal out of the county, or refusal to act, of any of the said trustees, the remainder or survivors, or a majority of them, shall have power, and are hereby authorized and required to fill up such vacancies, by electing such other person or persons within or contiguous to the said town, as they shall think proper.

Provision in case of death, &c. of any of the trustees.

7. *And be it further enacted*, That Edward Stevens, John Jameson, John Shackelford, Richard Y. Wigginton, Benjamin Shackle-

Trustees nominated.

ford, Richard Morris, Archibald Hamilton, Henry Camp and John C. Williams, shall be, and they are hereby constituted trustees of the said town; any five of whom shall be sufficient to form a board for the purpose of carrying this act into effect.

Penalty on purchasers of forfeited lots failing to improve them.

8. *And be it further enacted*, That if the purchasers of forfeited lots under this act, shall fail to improve them as this act prescribes, in every such case or cases, the said trustees may and shall enter upon such lot or lots, and sell the same again, subject to the same conditions and restrictions, and apply the money to the same purposes as are herein before directed and prescribed.

Repealing clause.

9. All and every act and acts, clauses and parts of acts, coming within the purview of this act, shall be and are hereby repealed.

10. This act shall commence and be in force from and after the passing thereof.

CHAP. 15.—An ACT to amend the several acts passed for the establishment of the mutual assurance society against fire on buildings of the state of Virginia.

(Passed January 23, 1800.)

Preamble.

Whereas it is represented to the general assembly, that from the dispersed situation of the members and subscribers of the mutual assurance society against fire on buildings of the state of Virginia, it is difficult to procure a general meeting of the said society: For remedy thereof, and by the particular request of the said society,

Senators or delegates from the city, &c. to represent absent members at general meetings.

1. *Be it enacted*, That whensoever any general meeting of the said society shall be holden during the session of the general assembly, the senator of the district, or delegates of the city, borough or county, wherein any absent member or subscriber shall reside, or one of them may represent such absent member or subscriber in such meeting, unless a proxy shall have been duly appointed.

In motions, &c. against delinquents, copies of records to be evidence.

2. *And be it further enacted*, That in any action, motion or suit, instituted against any member or subscriber for the recovery of a premium or quota due from him or her to the said society, any copy (as far as it relates to the delinquent member or subscriber) from the records of the said society, certified by the principal agent or cashier general upon oath, and signed by the president, or in his absence by any two directors, under the seal of the said society, shall be received as evidence and have as full faith and credit in all the courts of this commonwealth, as if the originals were produced.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 16.—An ACT for opening and improving the navigation of Smith's river.

(Passed January 4, 1800.)

Preamble.

Whereas it hath been represented that the opening and extending the navigation of Smith's river, will be of public utility:

Trustees appointed for opening the navigation and to receive subscriptions.

1. *Be it therefore enacted by the general assembly*, That George Hairston, Joseph Anthony, George Waller, junior, Patrick Fountain, Alexander Hunter, Brice Martin, Thomas East, William Mitchell, William Norman, Jerry Hughes, Archibald Murphy, Charles Foster, Thomas Mitchell, Joseph Stovall, Greenville Penn, William Banks and Charles Thomas, gentlemen, shall be, and they are hereby constituted and appointed trustees for opening and ex-

tending the navigation of the said Smith's river, from the Carolina line up to the Blue falls, and for that purpose they are authorized to take and receive subscriptions.

2. If any person shall neglect or refuse to pay the money by him subscribed for the purposes of this act, it shall be lawful for the said trustees, or the trustees for the time being, to recover the same in their name, by warrant before a magistrate, where the subscription shall not exceed five dollars, and where it shall exceed that sum, by motion in the court of that county where such subscriber may reside on giving the party ten days previous notice of such motion. The said trustees, or a majority of them, shall as often as they may think proper, nominate and appoint one or more person or persons willing to undertake the same, to be receiver or receivers of all monies subscribed by virtue of this act, and the person or persons so appointed, shall in the court of that county where he or they may reside, give bond with sufficient security in a reasonable penalty, payable to the said trustees and their successors, for the time being, with condition that he or they, his or their heirs, executors or administrators, shall and will at all times when required, truly and faithfully account for all sums of money that shall come to his or their hands for the purposes of this act, and pay the same to such person or persons as the said trustees or a majority of them shall order and direct.

How subscriptions shall be recovered.

Trustees to appoint receivers who shall enter into bond.

3. If the receiver or receivers shall neglect or refuse to pay the money as ordered and directed by the said trustees, or so much thereof as shall come to his or their hands, the party entitled to receive the same by virtue of such order, shall and may recover the money in like manner as is herein before directed and prescribed in the case of persons refusing or neglecting to pay their subscriptions.

Remedy against receivers for withholding monies.

4. The said trustees, or a majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the river aforesaid, in such manner as they or a majority of them shall judge most proper, and to remove all obstructions which shall in any wise injure the navigation thereof, or prevent the passage of fish.

Trustees to contract for clearing the navigation.

5. In case of the death, resignation, or other disability of any of the said trustees, it shall be lawful for the remaining trustees to supply such vacancy, and the person or persons so elected, shall have the same power as if they had been named in this act.

How vacancies by death, &c. of trustees shall be supplied.

6. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 17.—An ACT to amend the act, intituled, "An act concerning the election of members of general assembly."

(Passed January 6, 1800.)

Whereas in the act, intituled, "*An act concerning the election of the members of the general assembly*," no provision is made for holding an election in case of the death of the high sheriff, whereby many of the good people of this commonwealth are sometimes unrepresented, for remedy whereof,

Preamble.

1. *Be it enacted by the general assembly*, That in all cases whatsoever where by law the sheriff is directed to hold an election, in case of the death of the said sheriff, the senior magistrate, and in his absence, inability, or incapacity by being a candidate, the

Elections, by whom to be held in case of the high sheriff's death.

second, and so on in succession to the junior magistrate, is hereby authorized, empowered and required to perform the duties of the sheriff prescribed by law in similar cases.

Penalties on magistrates refusing to act.

2. And be it further enacted, The said magistrates, in case of refusal, shall be subject to all the penalties to which sheriffs are liable, and shall be entitled to the same compensation.

Repealing clause.

3. All acts within the purview of this act, are hereby repealed.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 18.—An ACT to amend the act, intituled, "An act to amend the act for opening and extending the navigation of Patowmac river."

(Passed January 25, 1800.)

Preamble.

Whereas an act "*To amend the act for opening and extending the navigation of Patowmac river,*" has allowed the Patowmac company a further time of two years, from and after the expiration of the time before allowed by law, to complete the navigation of the said river according to the terms of the original law. And that the president and directors for the time being, shall be authorized to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty or having them at all affected by any act or acts heretofore passed relative to slaves. And whereas it is thought just and necessary further to extend the privileges already recited:

Further time allowed to finish the navigation of the river Patowmac.

1. *Be it therefore enacted*, That the said company shall be allowed until the end of the year eighteen hundred and two, to complete the navigation of the said river, according to the terms of the original law; and that the president and directors for the time being, shall be authorized to employ as many negroes from the state of Maryland in the said work, as they may deem it necessary for their purposes to employ, without incurring the penalty, or having them at all affected by any act or acts heretofore passed relative to slaves.

2. This act shall be in force from and after the passing thereof.

CHAP. 19.—An ACT to amend the act, intituled, "An act appropriating certain taxes to the opening a road in the county of Lee."

(Passed December 30, 1799.)

Preamble.

Whereas by an act passed on the twenty-fifth of January, one thousand seven hundred and ninety-nine, intituled, "*An act appropriating certain taxes to the opening a road in the county of Lee,*" the revenue tax for the said county of the year one thousand seven hundred and eighty-eight, was appropriated to the opening and improving a road in the county aforesaid, from the top of Copper creek ridge to William George's, on Clinch river: and whereas it is represented that a part of the money may be applied to more advantage in improving other parts of the said road:

Commissioners authorized to direct the appropriation of the money in their hands.

1. *Be it therefore enacted by the general assembly*, That the commissioners appointed by the act aforesaid, are hereby empowered to appropriate any of the money in their hands to the improvement of any other part of the said road which in their wisdom they may think will conduce to the public good. Any thing in any act to the contrary notwithstanding.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 20.—An ACT allowing further time to the owners of lots in certain towns to build upon and save the same.

(Passed January 1, 1800.)

1. *Be it enacted by the general assembly*, That the proprietors of lots in the town of Lewisburg, and county of Greenbrier, and of the town of Danville, in the county of Pittsylvania, shall respectively be allowed the further time of three years from and after the passing of this act, to build upon and save the same: Any law to the contrary thereof notwithstanding.

Further time allowed to the owners of lots in the towns of Lewisburg and Danville, to build thereon.

2. *And be it further enacted*, That the further time of three years from the passing of this act, shall be allowed to the owners of lots in the town of Port Conway, in the county of King George, to build upon and save the same: Any thing in any law to the contrary notwithstanding.

Also to the owners of lots in Port Conway.

CHAP. 21.—An ACT for opening a street in the town of Petersburg.

(Passed January 20, 1800.)

Whereas it hath been represented that the opening and extending a street from Back street to High street in the town of Petersburg, will be of public utility:

Preamble.

1. *Be it therefore enacted by the general assembly*, That Joseph Jones, William Cole, Wood Tucker, William Wills, Thomas Atkinson, Peterson Goodwyn, and John Pegram, gentlemen, shall be, and they are hereby appointed commissioners, who, or a majority of them, are empowered and required, on or before the fifteenth day of May next, to ascertain and mark out the most direct and convenient way for opening and extending a street, not exceeding sixty nor under fifty feet in width, from Back street to High street, in the said town of Petersburg, and make report thereof to the court of the county of Dinwiddie, who thereupon shall order a writ in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of the said county, commanding him to summon and impanel twelve able and discreet freeholders and inhabitants of the said county, without the limits of the said town, no ways related to the parties through whose land the said street will pass, to meet at some certain place on the said ground, and on a certain day, to be named by the said court and inserted in the said writ, of which notice shall be given by the sheriff to the proprietors and tenants, which freeholders taking nothing, either of meat or drink, from any person whatsoever from the time they shall come to the said place, until their inquest be sealed, shall be charged by the sheriff impartially, faithfully, and justly, and to the best of their skill and judgment, to view the lands through which the said street is to be opened and conducted, and say to what damage it will be of to the several and respective proprietors and tenants, taking into estimation as well the use and value of the land to be laid open for such street, as other incidental injuries to be sustained thereby, and if the said inquest cannot be completed in one day, the sheriff may adjourn the said jurors from day to day, until the same be completed, which inquest sealed by the said jurors, together with the writ, shall be returned to the said court and entered of record.

Commissioners appointed to mark out the street and make report to Dinwiddie court.

The court to order a writ in the nature of an *ad quod damnum*, and how it shall be executed.

2. *And be it further enacted*, That the common council of the said town of Petersburg, shall, within three months after the return of the said inquest, levy on the taxable property within the said

Common council to levy the damages on taxable property within the town.

town, the damages so found, and the costs of the inquest, and direct them to be paid to those respectively entitled thereto.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 22.—An ACT to incorporate the trustees of Leesburg academy, in the county of Loudoun.

(Passed December 30, 1799.)

Preamble.

Whereas application hath been made to the present general assembly, by the subscribers to the Leesburg academy, to pass an act for appointing trustees to the said academy, and to incorporate the same:

Trustees incorporated.

1. *Be it therefore enacted*, That Ludwell Lee, Thomas L. Lee, Wilson C. Selden, Burgess Ball, Thomas Sim, John Littlejohn, Joseph Smith, Leven Luckett, Israel Lacey, William H. Powell, Samuel Clapham, James Millhane, Joseph Lewis, and William Noland, gentlemen, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of Leesburg Academy," and by that name shall have perpetual succession and a common seal.

Their powers.

2. The said trustees and their successors by the name aforesaid, shall be capable in law, to purchase, receive, and hold to them and their successors forever, any lands, tenements, rents, goods, and chattels of what kind soever, which shall be purchased, devised, or given to, or by them, for the use of the said academy, and to sell and dispose of the same in such manner, as to them shall seem most conducive to the advantage of the said academy. And all property which shall come to the hands of the said trustees under this law, shall be applied to and be held for the use of the said Leesburg academy, for the purpose of contributing to the education of youth. The said trustees by the name aforesaid, may sue, and be sued, implead and be impleaded, in any court of law or equity. The said trustees, or a majority of them, shall have power from time to time, to make and establish such by-laws, rules, and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall judge necessary, for the good government of the said academy, and to appoint a president, secretary, tutors, and treasurer, who shall receive all monies accruing to the said academy, and property delivered to his care, and pay or deliver the same to the order of the said trustees; and before he enters upon the execution of his office, shall give bond and security in such sum, as the said trustees shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him, and that he will, when required by the said trustees, render a true and just account of all monies, goods and chattels, received by him on account of, and for the use of the said academy. The treasurer shall receive such salary as may be allowed by the trustees; and if he fails to render, when required, a just and true account of all monies, goods, and chattels, which may have come to his hands, by virtue of his office, it shall be lawful for the said trustees to obtain judgment for the amount or value thereof, by motion in any court of record in this commonwealth, against the said treasurer, and execution shall thereupon issue in like manner as by law directed against sheriffs for the nonpayment of public taxes:

Provided always, That ten days previous notice in writing shall be given the said treasurer, of every such motion.

3. In case of the death, or removal to the distance of twenty miles from the said academy, resignation, or other legal disability, of any one or more of the said trustees, such vacancy, from time to time, shall be supplied by the remaining trustees, or a majority of them.

Vacancies how supplied.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 23.—An ACT concerning attornies, and for other purposes.

(Passed January 25, 1800.)

1. *Be it enacted*, That attornies to prosecute on behalf of the commonwealth, shall hereafter be appointed in the district and all other inferior courts of this commonwealth, by an order of such courts respectively, which said attornies shall be entitled to recover of delinquents the fees allowed by law, and moreover the attornies for the commonwealth in the district courts, shall be allowed the salary as now fixed by law, and every such attorney in the county or corporation courts, shall be allowed a reasonable sum for their services, and for which no other fee or reward is allowed by law, as heretofore annually to be levied by such court, on the county or corporation.

State attornies how appointed.

2. *And be it further enacted*, That it shall not hereafter be lawful for the auditor of public accounts to allow the claim of any attorney for any county or corporation court, for any services to be performed by him therein; and that all laws within the true intent and meaning of this act, shall be, and the same are hereby repealed.

Auditor not to allow attornies' claims.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 24.—An ACT for placing Jesse Ruble on the list of pensioners.

(Passed December 31, 1799.)

1. *Be it enacted by the general assembly*, That Jesse Ruble, who, in serving as a volunteer soidier under the command of William Crawford, to repel an incursion of the Indians upon the frontier, in the year one thousand seven hundred and eighty-one, received a wound in his shoulder, which has rendered him unable to support himself by labor, shall be placed on the list of pensioners; and the auditor of public accounts shall be, and he is hereby authorized and required to issue to the said Jesse Ruble a pension warrant for the sum of forty dollars during his life, to be paid in like manner as other pension warrants are.

J. Ruble placed on the pension list.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 25.—An ACT for altering the court days and quarterly sessions of certain counties.

(Passed December 29, 1799.)

1. *Be it enacted by the general assembly*, That a court of quarterly session for the county of Spottsylvania, shall hereafter be held in the month of April instead of the month of March, in every year; that a court for the county of Greenville, shall hereafter be

The court days of Spottsylvania, Greenville, Shenandoah and Caroline, altered.

held on the second Monday instead of the fourth Thursday in every month; and that a court of quarterly session for the said county, shall be held in the month of June in every year, instead of the month of May; that a court for the county of Shenandoah, shall hereafter be held on the Monday preceding the second Tuesday in every month, instead of the day heretofore appointed by law; and that courts of quarterly session for the county of Caroline, shall hereafter be held in the months of April and June in every year, instead of the months of March and May.

2. This act shall commence and be in force from and after the first day of March next.

CHAP. 26.—An ACT for adding certain lots to the town of Lexington, in the county of Rockbridge.

(Passed December 30, 1799.)

Preamble.

Whereas it hath been represented that sundry lots were laid off by the proprietors of the lands adjoining the town of Lexington, in the county of Rockbridge, and accordingly sold; and the purchasers thereof have petitioned this assembly to annex the same to the said town:

Certain lots added to Lexington.

1. *Be it therefore enacted*, That all the said lots so as aforesaid laid off and sold, adjoining the said town, shall be, and they are hereby added to and made a part of the said town of Lexington, to all intents and purposes.

Trustees appointed.

2. *And be it further enacted*, That John Caruthers, William Caruthers, James Blair, and Arthur Walkup, gentlemen, shall be, and they are hereby appointed trustees for the said town of Lexington. The said trustees, or a majority of them, shall have power and authority to regulate the concerns of the said town, as fully and amply as trustees of other towns established by law, not incorporated, have and enjoy.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 26.*—An ACT for adding certain lots to the town of Stephensburg, and appointing trustees thereof.

(Passed December 21, 1799.)

An addition made to the town of Stephensburg.

1. *Be it enacted by the general assembly*, That all the dwelling houses with their appurtenances, which are now built at the north end of the town of Stephensburg, in the county of Frederic upon the road leading from the said town to Winchester, and without the limits thereof as now established, as also a convenient distance on each side of the said road, extending as far as the north boundary line of Lewis Stephens, senior, so as to include the lands laid off by the said Lewis Stephens, shall be, and the same are hereby added to, and made a part of, the said town of Stephensburg, to all intents and purposes.

And whereas it is represented that all the trustees of the said town have departed this life, except one, who resides at such a distance from the same, as to be unable to perform his duty:

Trustees appointed.

2. *Be it therefore enacted*, That John S. Woodcock, Howson Seaton, David Wilson, John B. Tilden, Elisha Phelps, and Richard K. Meade, gentlemen, shall be, and they are hereby constituted

* So in the Sessions Acts.

trustees of the said town, in the room of those heretofore appointed, and they, or a majority of them, shall have the same power and authority, as the former trustees had by law; and also that the said trustees, or a majority of them, may supply vacancies which shall be occasioned in their body, either by death, removal, or resignation.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 27.—An ACT for forming a new county out of Wythe and Russell.

[Passed December 19, 1799.]

1. *Be it enacted by the general assembly*, That all that part of the counties of Wythe and Russell, lying within the following bounds, beginning on the Kanawha line, and running with the line which divides Montgomery and Wythe counties, to where said line crosses the top of the Brushy mountain, thence along the top of the said mountain to its junction with the Garden mountain, thence along the top of the said mountain to the Church mountain, thence along the top of the said mountain to the head of Cove creek, a branch of the Maiden spring fork of Clinch river; thence a straight line to Mann's gap, in Kent's ridge; thence north forty-five degrees west, to the line which divides the state of Kentucky from that of Virginia; thence along said line to the Kanawha line, and with said line to the place of beginning, shall form one distinct county, and be called and known by the name of Tazewell. The county of Tazewell formed of parts of Wythe and Russell.

2. A court for the said county of Tazewell, shall be held by the justices thereof, on the first Tuesday in every month, after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed. The court day.

3. The justices to be named in the commission of the peace for the said county of Tazewell, shall meet at the house of Henry Harman, junior, in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at, or as near the centre thereof as the situation and convenience will admit, and thenceforth the said court shall proceed to erect the necessary public buildings at such place; and until such buildings be completed, to appoint any place for holding courts, as they shall think proper: *Provided always*, That the appointment of a place for holding courts, and of clerk, shall not be made unless a majority of the justices of the said county be present: Where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day when a majority shall be present. Directions for organizing the court and fixing the place for holding it.

4. It shall be lawful for the sheriffs of the counties of Wythe and Russell to collect and make distress for any public dues and officers' fees remaining unpaid by the inhabitants thereof, at the time the county of Tazewell takes place, and shall be accountable for the same in like manner as if this act had not been made. The courts of the said counties of Wythe and Russell, shall have jurisdiction of all actions and suits depending before them, when the said county of Tazewell takes place, and shall try and determine the same and award execution thereon. Certain powers reserved to the original counties.

The appointment
of the first sheriff.

5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Tazewell, who shall continue in office during the term and upon the same conditions as are by law prescribed for other sheriffs.

Tazewell annexed
to certain districts.

6. In all future elections of a senator, elector, and a representative in congress, the said county of Tazewell shall be of the same district with the counties of Wythe and Russell. The said county of Tazewell shall be of the same district with the said counties of Wythe and Russell, for which district courts are held at Abingdon, in the county of Washington, and shall be of the same brigade district with Wythe.

7. This act shall commence and be in force from and after the first day of May next.

CHAP. 23.—An ACT for establishing several new ferries.

(Passed December 29, 1799.)

Fulton's and Kelly's ferries established, with their rates.

1. *Be it enacted by the general assembly*, That public ferries be constantly kept at the following places, and the rates for crossing the same as follows: From the lands of John Fulton, on Ohio river, to the opposite shore, the price for a man eight and one third cents, and for a horse the same; and from the land of Richard Kelly, at the mouth of Harmon's creek, on the Ohio river, to the opposite shore, for a man eight and one third cents, and for a horse the same; for the transportation of every coach, chariot or wagon, and the driver thereof, the same as for six horses; for every cart or four wheeled chaise, and the driver, the same as for four horses; for every two wheeled chaise or chair, the same as for two horses; for every hogshead of tobacco as for one horse; for every head of neat cattle, the same as for one horse; and for every sheep, goat, lamb or hog, one fifth part of the ferriage for one horse, and no more.

Penalty for receiving more than the legal rates.

2. If any keeper of the said ferries shall demand or receive any greater rates than are hereby allowed for the ferriage or carriage of any thing, he shall for every such offence forfeit and pay to the party grieved the ferriages demanded or received, and two dollars, to be recovered with costs, before a justice of the peace of the county where the offence shall be committed.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 29.—An ACT to revive and amend the act, intituled, "An act for improving the navigation of Appamattox river, from Broadway to Pocahuntas bridge."

(Passed January 23, 1800.)

Preamble.

Whereas it hath been represented to the present general assembly, that the navigation of Appamattox river might be greatly improved by deepening the channel from Pocahuntas bridge to Broadway, so as to admit large vessels to go up to the town of Petersburg:

Managers appointed to receive subscriptions.

1. *Be it therefore enacted*, That books shall be opened in the town of Petersburg on the first day of March next, under the management of Robert Bolling, Joseph Jones, Christopher M'Connicco, James Campbell, John Osborne, James Cureton, and John Grammar, for receiving subscriptions for the purpose of deepening the channel of the said river.

2. The subscriptions shall be made personally or by power of attorney, and shall be in current money and paid in gold or silver coin at the current value. The capital to be subscribed for the purpose aforesaid, shall be six thousand pounds, and shall be divided into one hundred and twenty shares, of the value of fifty pounds each. Any person may subscribe one or more whole shares, but no subscription shall be received for less than one share: *Provided nevertheless*, That no person shall be permitted in his own right to subscribe for more than six shares.

Subscriptions to be paid in specie.

Sum to be subscribed.

Number of shares.

3. So soon as one half of the said capital shall be subscribed, the managers herein before named shall, by advertisement in the Petersburg gazette, call a general meeting of the subscribers at the said town of Petersburg. The subscribers who are present at the said meeting, shall choose a president and four directors, and thereafter the subscribers, their heirs and assigns, shall be incorporated into a company by the name of the Appamattox company, and by that name may sue and be sued.

When a meeting shall be called.

Subscribers to choose a president and directors, and to be incorporated.

4. The president and directors shall continue in office one year, and from thence until the next meeting of the company, and they, or a majority of them shall have power to receive subscriptions until the before mentioned capital is completed, to contract with any persons, on behalf the company, to perform such works as they judge necessary for deepening the channel of the said river, from Pocahuntas bridge to Broadway, and for keeping the same open; to appoint such officers as they deem necessary to be employed in the service of the company; to call a meeting of the company when necessary; to receive from the subscribers the sums respectively subscribed by them, at such times and in such proportions as they shall judge proper; and to transact all the other business and concerns of the said company.

The president and directors to continue in office one year.

Their powers and duties.

5. If any member shall fail to pay to the person authorized by the president and directors to receive the same, the proportion of the subscription required of him within one month after such requisition is made in the Petersburg gazette, the said president and directors may recover the same by motion in the general or district court, in the same manner as the president and directors of the James river and Patowmac companies can recover the arrears due from any member of the said companies.

How subscriptions may be recovered.

6. There shall be a meeting of the said Appamattox company on the first Monday in every year, at which members or their proxies having seventy shares at the least, shall be present, and at any intermediate meeting, members or proxies having forty shares, shall be sufficient. If a sufficient number of members be not present on the first day, the meeting may be adjourned from day to day, until a sufficient number attend. In counting the votes each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares after ten. The said company at their annual meeting, or at any other meeting called by the president and directors, may call upon them for an account of their proceedings and contracts, for the execution of the plan, for deepening the said river, and of the money received and disbursed by them, and may allow them a sum for their services, may displace the said president and directors, or any of them, and appoint others in their stead, may lower the tolls hereinafter allowed them, and may exempt any vessels from the payment thereof, and shall,

Annual meeting of the company.

How they shall vote.

Business to be transacted at the meetings.

Powers of the company at their meetings.

Members to be considered as tenants in common of the tolls.

Rates of tolls.

Proviso.

Penalty on vessels passing without paying tolls.

The river to be considered as a public highway.

Shares transferable and held as James river shares.

after leaving in the hands of the president and directors a sufficient sum for the expenses attending the repairs of the said works and other contingent charges, make an equal dividend of the nett profits arising from the tolls and other profits thereof, amongst themselves, according to their respective proportions. In consideration of the expenses that will be incurred by the said company in deepening the bed of the said river and keeping the same open, the members of the said company, their heirs and assigns, shall be entitled to the tolls hereinafter mentioned forever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from the payment of any tax or imposition whatsoever.

7. It shall be lawful for the president and directors to demand and receive at the place called the Bakehouse, on the said river, or at such other places above that as the said president and directors shall appoint, tolls from vessels drawing five feet water, for their passage by or through the said places, according to the following table and rates, to wit: On vessels of five and not exceeding five and a half feet, three shillings per foot; on vessels of five and a half, and not exceeding six feet, three shillings and nine pence per foot; on vessels of six and not exceeding six and a half feet, four shillings and six pence per foot; on vessels of six and a half and not exceeding seven feet, five shillings and three pence per foot: *Provided however*, That the tolls hereby made payable, shall only be demanded for the water above five feet, which tolls are rated in money, and may be discharged in gold or silver coin at their current value. The tolls herein before allowed to be demanded and received, shall be paid on condition only, that the said Appamattox company shall make the said river capable of being navigated in any season from Broadway to Pocahuntas bridge, by vessels drawing seven feet water; and in case the company shall not begin the said work within two years after the company shall be formed, and complete the same within seven years after it is begun, then the said company shall not be entitled to any benefit or privilege under this act.

8. If payment of the said tolls shall be refused when any vessel, from which the same are demandable, offers to pass by or through the said places herein before named, the collectors may lawfully refuse passage to such vessel, and if any such vessel shall pass without paying the said tolls, the master, skipper or owner of such vessel, shall forfeit and pay to the said Appamattox company, the sum of fifty cents for every inch of water which it may draw above five feet, to be recovered on motion and ten days notice, in any court of record in this commonwealth.

9. The said river and the channel thereof, when deepened as aforesaid, shall forever be considered and taken as a public highway for the passage of all vessels, and transportation of all commodities, upon payment of the tolls aforesaid; and no other tax or toll shall at any time hereafter be imposed for the use of the water of the said river; but the said river shall nevertheless be subject to such regulations as may be prescribed by the laws of this state, or the United States. The shares in the said company shall, to all intents and purposes, be held and transferred by the proprietors thereof, in the same manner and on the same conditions, as the

shares of the proprietors in the James river and Patowmac companies.

10. Nothing herein contained shall be construed to prevent vessels drawing less than five feet water, from using and navigating the said river Appamattox, in the same manner as if this act had never been made: *Provided, always,* That nothing herein contained, shall be construed to affect the private right of any individual owning a fishery on the said river.

What vessels shall be free of toll.

11. This act shall commence and be in force from and after the passing thereof.

CHAP. 30.—An ACT for establishing several new ferries, and increasing the rates of a former one.

[Passed January 20, 1800.]

1. *Be it enacted by the general assembly,* That public ferries shall be constantly kept at the following places, and the rates for passing the same as followeth, that is to say; from the land of Hugh Phelps, in the county of Wood, across the Little Kanawha river, to the land claimed by the heirs of Alexander Parker, deceased, the price for a man six cents and one fourth of a cent, and for a horse the same; from the land of Caleb Hitchcock, in the county of Wood, across Ohio river, to the lands of the United States, on the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same; from the land of Alexander Stuart, in the county of Monroe, across New river, to his land on the opposite shore, in the county of Montgomery, the price for a man six cents and one fourth of a cent, and for a horse the same; from the land of James Graham, in the county of Monroe, across Greenbrier river, to the land of Conrod Keller, on the opposite shore, the price for a man six cents and one fourth of a cent, and for a horse the same; from the land of Elijah Gates, in the county of Wood, across Ohio river, to the land of Jonathan Stone, on the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same; from the land of John Stokeley, at the mouth of the Little Kanawha, across Ohio river, to the lands of the United States, on the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same; from the land of John Wilson, across Ohio river, to the opposite shore, the price for a man eight cents and one third of a cent, and for a horse the same; and from the land of Jesse Taylor, in the town of Alexandria, across Patowmac river, to the opposite shore, in the state of Maryland, the price for a man seventeen cents, and for a horse the same.

Sundry ferries established with their several rates.

2. *And be it further enacted,* That the keeper of the ferry from Jamestown, across James river, to Swann's Point, and from Swann's Point to Jamestown, shall be allowed thirty-three cents and one third of a cent, for a man, and the same for a horse, instead of the rates heretofore allowed by law.

Rates of ferriage from Jamestown to Swann's Point, increased.

3. The transportation of the following things shall be at the rates hereafter mentioned, that is to say, for every coach, chariot, or wagon, and the driver thereof, the same as for six horses; for every four wheeled chaise, phaeton, and driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; for every

Rate of transportation for carriages, &c.

sheep, hog, goat, or lamb, one fifth part of the ferriage for one horse, and no more.

Penalties on ferry keepers receiving more than legal rates.

4. If the ferry keeper at either of the said places shall demand and take from any person, greater rates for the ferriage of any thing than is hereby allowed, he shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 31.—An ACT concerning the corporation of the town of Petersburg.

(Passed January 28, 1800.)

Serjeant of Petersburg failing to account for taxes, how to be proceeded against.

1. *Be it enacted by the general assembly, and it is hereby enacted,* That whenever the serjeant of the town of Petersburg, or any other person employed as a collector of taxes therein, under the authority of the corporation, shall fail to account with the chamberlain or other officer duly empowered, and pay the amount due, when thereto required by such chamberlain or other officer, it shall and may be lawful for the said chamberlain or other officer, to recover from the said serjeant or collector, and their securities, the amount so due, with costs, by motion before any court of law; provided ten days notice be given of such motion, to such serjeant or collector, or their securities.

Money received for the corporation and not paid how to be recovered.

2. *And be it further enacted,* That in all cases whatever, where money has been or shall be received by any person, by the authority and for the use of the corporation, and such person shall not pay the amount thereof when required by the mayor, aldermen, and commonalty of the said town, or their chamberlain or agent, duly empowered, it shall and may be lawful for the said mayor, aldermen, and commonalty of the said town, their chamberlain or agent, to recover the same, with costs, by motion before any court of law: *Provided,* That ten days notice of such motion be given to the person liable.

3. *And be it further enacted,* That in all cases now depending, or which may hereafter be brought before any court of law or equity, in which the mayor, aldermen, and commonalty of the said town shall be a party, it shall be no exception to a witness that he is an inhabitant of the said town, or an owner of taxable property within the same.

All process directed to the serjeant to be served by him.

4. *And be it further enacted,* That the serjeant of the said town shall and may serve within the limits of the said town, all process to him directed, in the same manner as the sheriff may serve process within the limits of his county.

CHAP. 32.—An ACT for transferring the property of the Fredericksburg academy, to the trustees of the Charity school in Fredericksburg.

(Passed January 2, 1800.)

Preamble.

Whereas it hath been represented by the trustees of the Fredericksburg academy, that the funds attached to that institution, not having been sufficient to support the same, it has been for some years discontinued; and the said trustees have petitioned this assembly to transfer all the said property to, and vest the same in, the trustees of the Charity school of Fredericksburg, and their successors, for the use and benefit thereof:

1. *Be it therefore enacted*, That all the property, real and personal, now belonging to, or vested in, the trustees of the said academy, shall be, and the same is hereby transferred to, and vested in, the trustees of the Charity school of Fredericksburg, and their successors, to and for the use and benefit of the said school.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 33.—An ACT for establishing several new towns.

[Passed January 6, 1800.]

1. *Be it enacted by the general assembly*, That twenty-five acres of land, the property of Charles Lewis, Robert Carter, Stephen Beard, and the representatives of Daniel Stewart, deceased, in the county of Loudoun, so soon as the same shall be laid off into lots, with convenient streets, be established a town by the name of Springfield; and that Israel Lacey, Pierce Bayly, John Tyler, William B. Harrison, James Lewis, William Ellzey, and Albert Russell, gentlemen, shall be, and they are hereby constituted trustees thereof.

A town established by the name of Springfield in Loudoun county.

Trustees thereof appointed.

2. That sixteen acres of land, the property of John Crump, adjoining Elk run church, in the county of Fauquier, so soon as the same shall be laid off into lots, with convenient streets, be established a town by the name of Elkton; and that James Hume, junior, Chilton Ransdell, Lincolfield Sharp, Samuel Blackwell, Joseph Blackwell, John Gillison, and James Strother, gentlemen, shall be, and they are hereby constituted trustees thereof.

Elkton in Fauquier county.

Trustees.

3. That fifty acres of land, including the lots already laid off, the property of William Carpenter, at the courthouse in the county of Madison, so soon as the same shall be laid off into lots, with convenient streets, be established by the name of Madison; and that Reuben Fry, Merry Walker, John Bradford, John Field, John Wright, Jonas Blankenbecker, and Lewis Crigler, gentlemen, shall be, and they are hereby appointed trustees thereof.

Madison in Madison county.

Trustees.

4. That twenty-five acres of land, the property of James Alexander, at the courthouse in the county of Monroe, as the same have been laid off into lots and streets, shall be established a town by the name of Union; and that William Haynes, John Gray, John Byrnside, James Hanley, Michael Earskin, John Hutcheson, and Isaac Estill, gentlemen, shall be, and they are hereby constituted trustees thereof.

Union in Monroe county.

Trustees.

5. That fifteen acres of land, the property of John Stokeley, lying at the mouth of the Little Kanawha river, so soon as the same shall be laid off into lots, with convenient streets, be established a town by the name of Newport; and that William Lowther, Jacob Bennett, Isaac Williams, James Neal, and John G. Henderson, gentlemen, shall be, and they are hereby constituted trustees thereof.

Newport at the mouth of the Little Kanawha.

Trustees.

6. That twenty acres of land, the property of Willis Riddick and Jane Thompson, lying at the place called and known by the name of the Rocky Mills, in the county of Hanover, so soon as the same shall be laid off into lots, with convenient streets, be established a town by the name of Rocky Mills; and that George Dabney, Charles Dabney, Nathaniel Pope, junior, Walter Coles, Robert Barclay, Spencer D. Norvell, Thomas Puryear, and Thomas White, gentlemen, shall be, and they are hereby constituted trustees thereof.

Rocky Mills in Hanover county.

Trustees.

Kerns in Frederick
county.

Trustees.

Monroe, at Neal's
station, on the Lit-
tle Kanawha.

Trustees.

Powers of the
trustees.

Vacancies how
supplied.

7. That the lands of Adam Kerns and Stephen Pritchard, as the same are already laid off into lots and streets, in the county of Frederick, shall be established a town by the name of Kerns; and that John S. Woodcock, John B. Tildon, John Wilson, John Hamilton, Gilbert Mim, George Eskridge, James D. Vance, and Lewis Wolf, gentlemen, shall be, and they are hereby constituted trustees thereof.

8. That twenty-five acres of land, the property of Hugh Phelps, lying at the place known by the name of Neal's station on the Little Kanawha, so soon as the same shall be laid off into lots, with convenient streets, be established a town by the name of Monroe; and that William Lowther, Jacob Bennett, Isaac Williams, James Neal and John G. Henderson, gentlemen, shall be, and they are hereby constituted trustees thereof.

9. The trustees of the said towns respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots. So soon as the purchaser of any lot, in either of the said towns, shall have built a dwelling house thereon equal to twelve feet square, with a brick or stone chimney, such purchaser shall enjoy the same privileges that the freeholders and inhabitants of other towns not incorporated, hold and enjoy. Vacancies, by death or otherwise, of any one or more of the trustees of the said towns respectively, shall be supplied by the remaining trustees, or a majority of them; and the person so elected shall have the same power as if they had been named in this act.

10. This act shall commence and be in force from and after the passing thereof.

CHAP. 34.—An ACT to increase the wages of the members of the general assembly for the present and all future sessions.

(Passed January 13, 1800.)

Preamble.

Whereas it is found by experience that the wages of the members of the present general assembly, are insufficient for their support:

Wages of the
members three
dollars.

1. *Be it therefore enacted*, That the wages of the members of the general assembly, shall be for the present and future sessions, three dollars per day, and milage as heretofore.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 35.—An ACT to appropriate the public revenue.

(Passed January 23, 1800.)

Taxes to consti-
tute a general
fund.

Appropriation
thereof.

1. *Be it enacted by the general assembly*, That all taxes and arrearages of taxes, and all branches of revenue which shall arise to the commonwealth, between the last day of December, one thousand seven hundred and ninety-nine, and the first day of January, one thousand eight hundred and one, shall constitute a general fund, and be appropriated to the support of the civil government and for the contingent expenses thereof, and shall also be charged with the payment of all unsatisfied warrants charged on the said taxes and arrearages of taxes, by the act of the last session of assembly, intituled, "*An act to appropriate the public revenue*," of

warrants which shall hereafter be issued for expenses attending criminal prosecutions, guards, and slaves condemned and executed; for the shares in the Dismal Swamp canal, and Appomattox companies; for the hospital for the cure and maintenance of persons of unsound mind; for the expenses attending the arsenal at the Point of Fork; for carrying into effect the act for establishing arsenals and a manufactory of arms; for the penitentiary house; for the arms directed by law to be procured; for all pensions allowed by this commonwealth; and for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts, in the year one thousand eight hundred; for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present general assembly, for which no provision has been made.

2. And if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof; for the hospital for the cure and maintenance of persons of unsound mind; for pensions; for salaries allowed to certain militia officers; and for arms purchased as directed by law, should not be productive early enough for these purposes, it shall be lawful for the executive to direct the treasurer to borrow as much money as shall be deficient, out of any other fund, and to replace the same as soon as possible. Deficiencies, how to be supplied.

3. And be it further enacted, That all certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth, shall be receivable by the sheriffs or collectors in the collection of all arrearages of taxes due prior to the year one thousand seven hundred and ninety-six, and the said certificates shall be received by the treasurer from the sheriffs or collectors, in discharge of the aforesaid arrearages of taxes. Certificates receivable for arrears of taxes.

Lists of licenses granted to merchants and to hawkers and pedlars, and directed to be returned to the auditor's office, on or before the first day of October, in every year, shall be made up to the first day of the preceding September, in every year, and the dates of the said licenses; as well as the names of the persons to whom they have been issued, shall be specified in the said lists. Lists of licenses to merchants, &c. how to be made up.

4. All acts and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 36.—An ACT authorizing the conveyance of water from the springs in the town of Petersburg, to convenient places therein.

(Passed January 11, 1800.)

Whereas it is represented that there are within the limits of the town of Petersburg, several valuable springs, that furnish constant and copious streams of excellent water, which at some subsequent period, may be refused to the inhabitants of the said town, by the present or future proprietors of the lots from which the springs flow, and application hath been made to the legislature, to authorize a conveyance of the water by subterraneous pipes to convenient places in the said town, and as it is just and reasonable that the water with which nature has refreshed the earth, should be as much as possible a common benefit to all its inhabitants: Preamble.

Common council may obtain a writ of *ad quod damnum* to estimate the damages for the use of certain springs in Petersburg.

1. *Be it enacted by the general assembly*, That whensoever the common council of the said town shall deem it necessary that water be conveyed from any of the said springs as aforesaid, on application of the said common council, or any member thereof in their behalf, to the court of Dinwiddie county, or to the district court of Petersburg, the said court shall, and it is hereby authorized and required to direct their clerk to issue a writ in the nature of a writ of *ad quod damnum*, directed to the sheriff of the said county, commanding him to summon and impanel twelve fit, able, and discreet freeholders of his county, without the limits of the said town, and who are no ways related to the proprietor or proprietors of the spring or springs, from which the water is intended to be conveyed, to meet at or near such spring or springs, on a certain day to be named by the said court and inserted in the said writ, of which notice shall be given by the said sheriff to the said proprietor or proprietors, his or their agents, if they were not present in court at the time of the order made, which freeholders taking nothing of meat or drink from any person whomsoever, from the time that they shall come to the said place until their inquest sealed, shall be charged by the said sheriff impartially and to the best of their skill and judgment, to view the said spring or springs, and the lands through which the water is proposed to be conducted, and say to what damage it will be to the several and respective proprietors thereof, taking into estimation as well the use of the water as all other additional inconveniencies, by reason of the conveyance thereof. Which inquest, sealed by the said jurors, together with the writ, shall be returned to the said court and entered among the records thereof. And the common council of the said town, shall be, and they are hereby authorized and empowered, out of the taxes collected of the inhabitants of the said town, to pay and satisfy to the several persons concerned, the sums to which they are entitled by the said inquisition, and on such payment or satisfaction being made or tendered, the said common council shall and may, at the expense of the said town, cause the said water to be conveyed as aforesaid, to such places in the said town, as to them may seem best; and the inhabitants of the said town may and shall be entitled to the use and benefit of the said water, so long as the same shall be conducted according to the directions of this act.

Common council to pay the amount of the inquisition out of the taxes.

Reservation of the right of soil.

Owners of soil not to obstruct the passage of the water.

2. *Provided always*, That the right of soil in the lands from which the springs flow, and in those through which the water shall be conducted, shall be, and remain in the original proprietor or proprietors, his or their representatives, respectively possessing the same: *And provided also*, That the owners of the said springs shall have the free use and benefit thereof, except that they shall not be permitted to change or obstruct the passage of the water therefrom.

3. This act shall commence and be in force from the passing thereof.

CHAP. 37.—An ACT to authorize the opening a turnpike road over the South mountain.

(Passed January 3, 1800.)

Preamble.

Whereas it hath been represented to this general assembly, that the opening a waggon road from Emmen's mill, in the county of Rockingham, over the South mountain, in the county of Albemarle,

will be of public utility: And whereas it hath been further represented, that the only practicable method of opening the same, will be by the establishment of a turnpike:

1. *Be it therefore enacted*, That John Carthra, junior, James Rankin, and John Givens, gentlemen, of the counties of Rockingham and Augusta, and Bernard Brown, Joel Harris, and Brightberry Brown, gentlemen, of the county of Albemarle, be, and they are hereby appointed commissioners, who, or a majority of them, are hereby empowered and directed to let to the lowest bidder, the opening of a turnpike from the said Emmen's mill across the South mountain, to such point in the county of Albemarle, as the said commissioners shall direct. The said commissioners having first given six months previous notice at the courthouses of Rockingham and Albemarle, of the time and place of letting such road: *Provided however*, That the rates of tollage on the said turnpike shall not exceed eight cents for a man and horse, and four cents for every additional horse; for every four wheeled carriage, fifty cents; for every two wheeled carriage, thirty-three cents and a third; for every head of neat cattle, two cents; for every sheep, hog, and goat, one cent: And the rates of tollage agreed upon by the original contract, may be received by the person undertaking the opening of the said turnpike, so soon as the said commissioners shall have deposited in the hands of the said undertaker, their certificate that the road is completed agreeably to their contract. If the said undertaker shall charge any tolls upon the said road before the said certificate of the commissioners shall be deposited in his hands, or after the same shall be deposited, shall charge any higher rate or rates of tollage than those agreed upon, he shall, for every such offence, forfeit and pay to the party aggrieved the tolls so received, and the further sum of two dollars, to be recovered by warrant before a single magistrate of either of the before mentioned counties.

Commissioners to let the road to the lowest bidder.

Rates of tollage.

Tolls when receivable.

Penalty on undertaker for receiving more than the rate.

2. *And be it further enacted*, That there shall be one place only for receiving the tolls upon the said turnpike, which shall be established agreeably to the direction of the commissioners aforesaid; and that if any toll or tolls shall be demanded at any other place than that so directed by the said commissioners, the owner of the turnpike shall, for every such offence, incur the same forfeiture and penalty as is prescribed in the preceding clause of this act.

Where receivable.

3. *And be it further enacted*, That the proprietor of the said turnpike shall, for neglecting to keep the same in repair, be subject to the like fines and penalties, as are or shall be prescribed by law of this state, against the surveyors of public roads, guilty of a like neglect: *Provided always*, That nothing herein contained shall be construed to authorize the proprietor of the said road to receive toll from any person going to or from mill.

Penalties for not keeping the road in repair.

4. *And be it further enacted*, That in any case where the said road shall lead through the lands of persons who may be unwilling to suffer it to pass through the same, it shall and may be lawful for the person who may contract for the opening thereof, upon application to either of the courts of Albemarle or Rockingham, to procure a writ of *ad quod damnum*, to be executed as in other cases of opening roads under the general road law, and shall pay the damages assessed by the jury; to the person affected thereby, before he shall be permitted to open the same, and the costs of the said inquest.

Undertaker may have a writ of *ad quod damnum* to assess the lands of those who are unwilling the road should pass through them.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 33.—An ACT exempting the tithables within the county of Monroe from the payment of a levy assessed by the county court of Greenbrier.

(Passed January 11, 1800.)

Tithable persons in Monroe county exempt from certain levies.

1. *Be it enacted by the general assembly*, That the tithable persons within the county of Monroe, shall be, and they are hereby exempted from the payment of any levies laid or assessed on them by the court of Greenbrier county, for the purpose of erecting therein a courthouse and other public buildings, previous to the passage of the act at the last session of assembly, intituled, "*An act for dividing the county of Greenbrier*;" and if any person within the said county of Monroe, shall have paid his or her proportion of the said levy to the sheriff or collector, the same shall be repaid by him.

2. This act shall commence and be in force from the passing thereof.

CHAP. 39.—An ACT giving further time to the owners of lots in several towns to build thereon.

(Passed January 17, 1800.)

Preamble.

Whereas the purchasers of lots in the town of Morefield, in the county of Hardy, and of Germantown in the county of Franklin, and the town of Franklin in the county of Pendleton, from the difficulty of procuring materials, have not been able to build on their said lots:

Further time given to build on lots in certain towns.

1. *Be it enacted*, That the further time of five years from the passing of this act, shall be allowed the purchasers of lots in the said towns of Morefield and Germantown, and the further time of one year to the town of Franklin, to build upon and save the same: Any law to the contrary notwithstanding.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 40.—An ACT to revive and amend the act, intituled, "*An act for cutting a canal from the waters of Elizabeth river to the waters of the North river*."

[Passed January 2, 1800.]

Act revived.

1. *Be it enacted by the general assembly*, That the act, intituled, "*An act for cutting a canal from the waters of Elizabeth river to the waters of the North river*," shall be, and the same is hereby revived.

Subscription books to be opened.

And whereas the persons appointed by the above recited act to carry the same into effect, have, in many instances refused to conform to the same, and others have been prevented by death and removal:

Persons appointed managers.

2. *Be it enacted*, That it shall and may be lawful to open books in the towns of Norfolk, Portsmouth, Kempsville and the Great Bridge, under the management of Thomas Newton, senior, in Norfolk, John Shields, William Prichard and Andrew Kidd, in Portsmouth, James Robertson, James Leahy, and David Fentress, in Kempsville, Robert Butt, senior, John Cornwall, Joseph Harding, Thomas Shepard, Jourdan Merchant and John Armstrong, senior, at the Great Bridge, for the purpose of receiving subscriptions to the amount of thirty thousand dollars for the carrying the said act into effect. The subscriptions shall be made in person or by attorney, legally authorized. The said books shall be opened for re-

Subscriptions how to be made.

ceiving subscriptions on the first Monday in March next, and shall continue open until the same shall be completed. So soon as ten thousand dollars shall be subscribed, there shall be a general meeting of the subscribers at the Great Bridge, in the county of Norfolk, of which meeting notice shall be given by the managers, or any three of them, in the newspapers printed in Norfolk, at least twenty days before such meeting. Such meeting shall be adjourned from time to time, until the business before them shall be completed. The managers shall, at the time and place aforesaid, lay before the subscribers the books by them respectively kept. The said capital sum shall be divided into three hundred shares, of one hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise.

When there shall be a general meeting.

Division of the capital into shares.

3. *And be it enacted*, That so soon as ten thousand dollars shall be subscribed as aforesaid, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated by the name of the Great Bridge canal company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors for conducting the said undertaking, and managing all the said company's business and concerns, as the said subscribers, or a majority of them, shall think fit; and in counting the votes there shall be one vote for every share not exceeding ten, and one vote for every five shares above ten by him or her held at the time in the said company; and any proprietor, by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Ten thousand dollars being subscribed, subscribers to be incorporated.

To elect a president and directors.

How the votes shall be regulated.

4. So much of the before recited act as comes within the purview of this act, shall be, and the same is hereby repealed.

Repealing clause.

5: This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 41.—An ACT to amend the act, intituled, "An act to amend the act for removing the superior court from the town of New London."

(Passed January 4, 1800.)

Whereas it is represented to this general assembly, that the commissioners appointed for the purpose of carrying the act, intituled, "*An act to amend the act for removing the superior court from the town of New London*," have failed to perform the duties required by the said act:

Preamble.

1. *Be it therefore enacted*, That the said commissioners shall meet at the storehouse of Stone & Morgan, in the county of Franklin, on the fourteenth day of May next, and proceed forthwith to perform the duties required of them by the said act. *Be it further enacted*, That if a majority of the said commissioners do not meet on the said fourteenth day of May, that in that case, those who do meet, or a majority of them, shall have power, and are hereby required to adjourn from day to day, until a majority of the whole number shall meet, provided such majority do meet within two days. Though if such majority shall fail to meet within two days, then, and in that case, it shall be the duty of those present, or a majority of them, to adjourn to any day not less than six weeks, nor exceeding two months. *Be it further enacted*, That it shall

Commissioners formerly appointed to meet and carry a former act into effect.

be the duty of the commissioners thus adjourning, to advertise in some public paper in this state, most convenient for that purpose, the time and place to which they are adjourned, at least three weeks previous to such adjournment; and if a majority of the whole number of said commissioners shall fail to attend in pursuance of such public notice, then, and in that case, any of the said commissioners, not less than six in number, are hereby directed and required forthwith to proceed to perform the duties required of the commissioners by the said act.

The said court to be held at Franklin courthouse after the 14th May 1800.

Clerk not obliged to reside at Franklin courthouse.

1. *And be it further enacted*, That whereas it is represented to this assembly, that the jail at New London is insufficient for the safe keeping of prisoners: *Be it therefore enacted*, That from and after the said fourteenth day of May, the court heretofore held at the town of New London, shall be held at the courthouse of the county of Franklin, until the necessary public buildings are erected in pursuance of this act: *Provided*, That the present clerk of the said court shall not be obliged to reside at Franklin courthouse himself, but only to keep his office and deputy there during the continuance of the court at that place; any thing in this or any other law to the contrary notwithstanding.

3. This act shall commence and be in force from and after the thirtieth day in April next.

CHAP. 42.—An ACT to prevent obstructions to the navigation of Potowmac river above the falls.

(Passed January 7, 1800.)

Preamble.

Whereas it is represented to this general assembly, that the water carriage above the falls in the river Potowmac, and also in a branch of the said river, commonly called the South branch, as high up the said branch as to Morefield, in Hardy county, is greatly obstructed by erecting fish dams and other obstructions therein; for remedy whereof,

All obstructions forbidden to be erected in certain parts of the Potowmac.

1. *Be it enacted*, That all fish dams or other devices for catching fish, and all other obstructions already made, or hereafter to be made in the river Potowmac, between the Little falls and Savage creek, or in the branch of the said Potowmac commonly called the South branch, shall be, and they are hereby deemed and declared nuisances, and may be pulled down, abated and destroyed as such, by any person or persons whatsoever. It shall be the duty of every justice of the peace, upon information given to him on oath, of the existence of any such nuisance, to issue his warrant directed to the sheriff or any constable of his county, requiring such officer to remove the said nuisance without delay, who shall thereupon execute and effect the same, and if necessary, he may summon sufficient aid for that purpose. No person or persons whatsoever shall hereafter put, place or erect any fish dam or obstruction, or place, or make any heap of stones between the said parts of either of the said rivers, under the penalty of fifty dollars for every such offence, to be recovered in any court of record within this commonwealth, with costs, by action of debt or information, (wherein but one imparlance shall be allowed) one half to the use of the informer or the party prosecuting, and the other half thereof to the justices of the county where the said prosecution may take place, and applied towards clearing and improving the navigation of the said river.

Fish dams, &c. deemed nuisances and abated.

Penalties for erecting obstructions.

2. *And be it further enacted*, That if any person or persons shall obstruct or hinder the pulling down, destroying or abating any such nuisance as aforesaid, or shall assault, beat or wound any person for having pulled down, destroyed or abated any such nuisance as aforesaid, or for attempting so to do, every person so offending, shall forfeit and pay the sum of fifty dollars, to be recovered with costs, by action as aforesaid, and applied in like manner, and moreover be subject to the action of the party injured for damages.

Or preventing
their abatement.

3. In every action or suit commenced for the recovery of any of the penalties imposed by this act, and also in every action for an assault and battery, for any thing done or attempted to be done, in pursuance of this act, on an affidavit or other satisfactory proof to the court, in which the suit is depending, that there is just cause for bringing the same, the defendant shall and may be compelled to give sufficient bail.

In actions for pe-
nalities defendants
to be held to bail.

4. *Provided*, That nothing herein contained shall affect any legal right now possessed by Robert Parker, to keep up a mill upon the South branch of the said river Potowmac, under the regulations and conditions by law established.

Reservation of the
rights of R.
Parker.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 43.—An ACT concerning Woodstock.

(Passed January 17, 1800.)

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the freeholders, housekeepers and free male citizens above the age of twenty-one years, who shall have been residents in the town of Woodstock and county of Shenandoah, one year next preceding the election, to meet at the courthouse in the said town annually on the first Monday in April, and then and there elect five fit and able men, being freeholders and inhabitants of the said town, to serve as trustees thereof, who shall continue in office until the first Monday in April in the succeeding year, and no longer, unless re-elected; every trustee before he enters upon the duties required by this act, shall take an oath, or affirm before a justice of the peace for the said county, that he will faithfully and impartially, to the best of his skill and judgment, perform his duty according to this act, which trustees shall have perpetual succession, and a common seal. The trustees of the said town, or a majority of them, shall have power to erect a market house in the said town, to appoint a clerk of the market, and to keep their own records, to establish an assize of bread, to remove nuisances or obstructions in the town or streets at the expense of those who occasioned them, and to keep three public wells in the said town, with pumps, and in good order, and to impose taxes not exceeding two hundred dollars annually on the tithables and property, real and personal, within the town, for carrying into effect all or any of the powers hereby given them, to make provision and regulations for collecting and accounting for the taxes so imposed, by appointing a collector and directing distress to be made for delinquencies, or by any other ways or means, and to make all such by-laws and regulations, not contrary to the laws and constitution of this commonwealth, as shall by them, or a majority of them, be thought necessary for carrying this act into effect; that any person or persons who shall violate such by-laws and regulations, shall be subject to such a fine

Trustees of
Woodstock, how
to be appointed.

Powers of the
trustees.

as the trustees, or a majority of them, shall think proper to establish, not exceeding five dollars for any one offence, which shall be recoverable before any justice of the peace in and for said county, and that the monies arising from all such fines shall by the said trustees be appropriated for the benefit of improving said town.

Penalty on persons appointed trustees refusing to act.

2. *And be it further enacted*, That the said trustees shall swear into said office within twenty days after being notified of their being elected, and each trustee failing so to do, shall forfeit and pay thirty dollars, recoverable in the county court of Shenandoah, by motion, on giving ten days notice, and the said trustees, or a majority of them, shall meet once in every month in the said town of Woodstock, and as a part of their duty, shall see that the streets and alleys of said town are kept in good order, and they shall have power to appoint a commissioner and make appropriations for the same, and that it shall further be their duty at the expiration of the term for which they were elected, to deliver to their successors in office, all the unappropriated monies which shall remain in their hands, together with all the books and papers relating to their office; and in case of failure to pay such unappropriated monies, it shall be lawful for the trustees for the time being to recover the same, against the former trustees, or any of them, who shall be defaulters, by motion in the court of the county of Shenandoah, provided the said defaulters shall have had ten days previous notice of such motion.

Annual election of trustees how to be conducted.

3. *And be it further enacted*, That the election of said trustees shall annually be conducted by the collector of said town, who shall make return of the persons so elected, together with a fair copy of the poll by him to that trustee who shall have the greatest number of votes, who shall be president of the said trustees for the ensuing year, which shall be recorded with their other proceedings in books to be kept for that purpose, and that the said collector be allowed a reasonable compensation annually for his services.

4. So much of all and every act as comes within the meaning of this act, is hereby repealed.

5. This act shall be in force from and after the passing thereof.

CHAP. 44.—An ACT concerning the county of Wood.

[Passed January 10, 1800.]

Preamble.

Whereas it appears to the present general assembly, that the justices of the county of Wood, have not as yet formed a court agreeably to the terms of the act, intituled, "*An act for dividing the county of Harrison*," and that it is essential for the good people of the said county of Wood, that the said act should now be carried into full effect:

The justices of Wood county to meet at H. Phelps's, and constitute a court.

1. *Be it therefore enacted*, That the executive be, and they are hereby empowered to commission four justices of the peace, who, in conjunction with the justices heretofore commissioned for the said county, a majority of the whole number being present, shall, on the second Monday of February next, meet at the house of Hugh Phelps, and constitute a court, who are hereby vested with all the powers vested in the justices of the said county of Wood.

The legality of appointments heretofore made in Wood county to be decided by the judiciary.

2. *Provided always*, That this act shall not be construed as affecting the right of any person claiming the right to clerkship or any other appointment made by the justices of the said county of Wood, or any of them, but their claim shall remain subject to a

cision before the judiciary. And any officer who may be displaced by the court as established by this law, shall be, and is hereby revested with his appointment, whensoever a decision shall be made in his favor by the judiciary. All persons who may have acted erroneously under colour of the said recited act, are hereby indemnified for such transactions, so far as the commonwealth might otherwise have been entitled to reparation, but this indemnification shall not extend to any case whatsoever of an injury done by any individual under colour thereof, who may take such measures to obtain redress as if this act had never passed.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 45.—An ACT for opening and improving the navigation of Staunton and Black Water rivers.

(Passed January 7, 1800.)

1. *Be it enacted by the general assembly*, That Benjamin Cook, Samuel Pannell, John Black, Josiah Williams, Philip Raleigh, Joseph Stith, Thomas Leftwich, Charles Walden, Bryant Ward Nowlin, Robert Powell, John Forbes, Samuel Cockran, and John Arthur, gentlemen, shall be, and they are hereby appointed trustees for opening, improving, and extending the navigation of Staunton river, as far as the mouth of Linville creek, in the county of Franklin, and also Black Water river, from its confluence into Staunton river, as far as the forge belonging to Messieurs Hill and company, and for that purpose they are authorized to take and receive subscriptions. If any person shall neglect to pay the money subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same, in the name of the trustees for the time being, by warrant before a magistrate, where the subscription doth not amount to five dollars, and where it amounts to five dollars and upwards, by motion in the court of the county where the subscriber or subscribers reside, on giving the party ten days previous notice of every such motion.

Trustees appointed for opening Staunton and Black Water rivers.

To receive subscriptions. Subscriptions of delinquents how to be recovered.

2. The said trustees, or a majority of them, shall have power to contract and agree with any person or persons for opening and improving the navigation of the said rivers, in such manner as they, or a majority of them, shall judge most proper; and to remove all obstructions to the navigation of the said rivers. The trustees, or a majority of them, shall have power to appoint one or more persons to receive all monies subscribed by virtue of this act, and the person or persons so appointed, shall, in the court of the said county of Franklin, give bond with sufficient security, in a reasonable penalty, payable to the said trustees and their successors for the time being, with condition, that he or they, his or their heirs, executors, or administrators, shall and will at all times when required, truly and faithfully account for all such sums of money as shall come to his or their hands, for the purposes of this act, and pay the same to such person or persons as the said trustees, or a majority of them, shall order and direct. If the receiver or receivers shall neglect or refuse to pay the money as ordered or directed by the said trustees, or so much thereof as shall come to his or their hands, the party entitled to receive the same by virtue of such order, shall and may recover the money in like manner as is herein before directed and prescribed in the case of persons refusing or neglecting to pay their

Powers of the trustees.

Trustees to appoint receivers.

How the money shall be recovered of receivers refusing to pay.

subscriptions. Vacancies by death, resignation, or otherwise, of any of the said trustees, shall be supplied by the remaining trustees, or a majority of them.

Trustees of Staunton river.

3. *Provided always*, That Benjamin Cook, Samuel Pannell, John Black, Josiah Williams, Philip Raleigh, Joseph Suth, Thomas Lestwich, Charles Walden, and Bryant Ward Nowlin, are appointed trustees exclusively for Staunton river, and Robert Powell, John Forbes, Samuel Cockran, and John Arthur, for Black Water river.

Trustees of Black Water river.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 46.—An ACT for confirming and establishing the boundary line between this state and the state of Kentucky, ascertained and fixed by certain commissioners appointed by both states, and for other purposes.

(Passed January 13, 1800.)

Preamble.

Whereas the commissioners appointed to ascertain and adjust the boundary line between this state and the state of Kentucky, in conformity to the act of separation between the two states, have proceeded to the execution of the said business, and made a report thereof in the words following, to wit:—"The commissioners for ascertaining and adjusting the boundary line between the states of Virginia and Kentucky, appointed pursuant to the act of separation between the two states, to wit; Archibald Stuart, general Joseph Martin, and Creed Taylor, esquires, on the part of the former, and John Coburn, Robert Johnson, and Buckner Thruston, esquires, on the part of the latter, having this day met at the Forks of Great Sandy river, according to appointment, and taken into consideration the said act of separation, have, and by these presents do, unanimously, agree and declare, that the boundary line between the said states, is, and shall be, and remain as followeth, to wit: To begin at the point where the Carolina, now Tennessee line crosses the top of Cumberland mountain, near Cumberland gap; thence north-eastwardly along the top or highest part of the said Cumberland mountain, keeping between the head waters of Cumberland and Kentucky rivers, on the west side thereof, and the head waters of Powell and Guest's rivers, and the pound fork of Sandy, on the east side thereof, continuing along the said top or highest part of said mountain, crossing the road leading over the same at the Little Paint gap, where by some it is called the Hollow mountain, to where it terminates at the west fork of Sandy, commonly called Russel's fork; thence with a line to be run north forty-five degrees east, till it intersects the other great principal branch of Sandy, commonly called the north-eastwardly branch; thence down the said north-eastwardly branch to its junction with the main west branch, and down Main Sandy, to its confluence with the Ohio." And whereas Brice Martin and Hugh Fulton, the surveyors appointed by the said commissioners to run and mark the said line, did, on the second day of November, one thousand seven hundred and ninety-nine, certify, that they did run the same, beginning at a red oak, white oak, and two pines, marked V. K. on each, standing on a high cliff, where the said west or Russel's fork of Sandy runs through the said Cumberland mountain, near the mouth of a branch; thence with the said course to the said principal branch of Sandy, commonly called the north-eastwardly branch, eight thousand six hundred and forty poles to a poplar, black gum, and two spruce pines, each marked

Report of the commissioners.

Surveyors' certificate.

with the letters V. K. and that they had also marked the trees on the said line with four chops in the form of a diamond. And whereas it is deemed proper and expedient that the said boundary line so fixed and ascertained as aforesaid, should be established and confirmed on the part of this commonwealth:

1. *Be it therefore enacted by the general assembly of the commonwealth of Virginia*, That the said boundary line between this state and the state of Kentucky, as laid down, fixed, and ascertained by the said commissioners above named, in their said report above recited, shall be, and is hereby fully and absolutely, to all intents and purposes whatsoever, ratified, established, and confirmed on the part of this commonwealth, as the true, certain, and real boundary line between the said states.

Boundary line between Virginia and Kentucky.

2. And whereas the said commissioners have made a further report to the present general assembly, in the words following, to wit: "And whereas doubts have heretofore prevailed, which of the main branches of Sandy the act for dividing the county of Fincastle, (which is the act referred to for the line between the two states,) meant and intended that the line should run up, and locators have been led into errors in entering their land warrants, it is therefore further unanimously agreed between the said commissioners, that no land claims founded on entries within the forks of Sandy, or east of the Cumberland mountain, on the waters of Sandy, previous to the first day of October, one thousand seven hundred and ninety-nine, on either side of the before mentioned line, to be run from the end of the said Cumberland mountain, to intersect the said main north-eastwardly branch of Sandy, ought to be in any wise affected by the said doubts which have existed respecting the said line, but that the said claims ought to remain valid and secure, as if no such doubts had existed, or as if the territory had been within the acknowledged limits of either state, that is to say, that all entries of land made in the offices of either state, which by this adjustment of the line falls into the other, shall be as valid as if made in the offices of that state in which the land lies, and that it be recommended to the said states to pass mutual laws for the ratification of the said claims, pursuant to the meaning and intent of this agreement between us, and that until such laws shall be passed, this instrument shall not be in force, but shall take full effect immediately after the passage of such laws." And whereas it is deemed also proper and expedient to confirm and validate all such entries above mentioned, in conformity to the recommendation of the said commissioners, in their said report last above recited: *Be it further enacted by the authority aforesaid*, That all claims for entries of lands made by any person or persons, in any surveyors' offices in the state of Kentucky, since the separation thereof from this state, which said lands by means of the adjustment and establishment of the said line above mentioned, have fallen into this state, shall be as valid and sufficient to the several claimants under such entries to all intents and purposes, as if the same had been made in the proper surveyors' offices of this state; any thing in any law contained to the contrary, notwithstanding.

Report of the commissioners respecting certain entries and locations.

Entries made in Kentucky of lands which fall into this state, valid.

3. This act shall commence and be in force from and after the passing of a like law on the part of the state of Kentucky.

Commencement.

CHAP. 47.—An ACT for placing John Thompson on the list of pensioners.

(Passed January 11, 1800.)

J. Thompson a pensioner.

1. *Be it enacted by the general assembly*, That John Thompson, who by reason of sundry wounds received at Buford's defeat, while serving as a serjeant in the troops of this state, on continental establishment, has been rendered unable to support himself by labour, shall be placed on the list of pensioners, and be allowed the sum of fifty dollars per annum, during his life.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 48.—An ACT for granting a sum of money to Richard Hudnall and James Harcum, inspectors of tobacco at North and South Wicomoco warehouses.

(Passed January 15, 1800.)

Inspectors of Wicomoco allowed a sum of money.

1. *Be it enacted by the general assembly*, That Richard Hudnall and James Harcum, inspectors of tobacco at North and South Wicomoco warehouses, shall be, and they are hereby authorized to retain in their hands the sum of eighty-three dollars and thirty-two cents, which have arisen from the exports of tobacco from those warehouses, in satisfaction of a deficiency of their salaries from the first day of October, one thousand seven hundred and ninety-eight, until the first day of October, one thousand seven hundred and ninety-nine.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 49.—An ACT concerning the militia of this commonwealth.

(Passed January 23, 1800.)

Arms to be distributed to the militia by the executive.

1. For the purpose of arming the militia of this commonwealth, *Be it enacted*, That the executive be, and they are hereby authorized and directed to distribute without delay amongst the several regiments of militia, according to their strength as ascertained by the last returns of each, two thirds of all the arms and accoutrements belonging to the state, as well those on hand as those that may hereafter be procured under appropriations already made by law: *Provided*, That before the delivery thereof, they shall cause each musket and cartridge box to be stamped with the name of the county and number of the regiment to which they may be allotted.

Officers to give receipts for the arms.

2. *And be it further enacted*, That it shall be the duty of each and every officer commanding a regiment to receive such arms and accoutrements when they shall be offered, and grant a receipt therefor to the governor, for the time being, describing their condition at the time of such receipt, and shall moreover deliver the same to the officers commanding battalions in such regiment, in like proportion. And it shall be the duty of officers commanding battalions respectively, to receive all such arms and accoutrements, and grant a receipt therefor to the officer commanding the regiment, stating their condition at the time of such delivery, and shall moreover deliver the same to the several officers commanding companies in the respective battalions, in due proportion, according to the number of men belonging to such companies. It shall be the duty of each officer commanding a company to receive the same, and grant a receipt therefor to the officer commanding the battalion, describing in like manner the condition of such arms, and shall moreover de-

ver the same into the hands of his non-commissioned officers and privates, in such manner as may be directed by the commanding officer of the regiment; and it shall be the duty of all non-commissioned officers and privates to receive such arms when they shall be offered, and grant a receipt for the same, making themselves liable for the safe keeping thereof, and for their delivery when legally called on for that purpose.

3. It shall be the duty of all persons in the militia who receive into their possession public arms, according to the direction of this act, to keep the same in neat and good order, the musket barrel and bayonet free from rust, and bright, the lock clean, well oiled, and with a good flint, and to appear with such arms at every muster, where by law they are obliged to appear, and at all other times when they may be called on duty; and at all musters the officers in their respective stations, shall be diligent and careful in training and instructing their men, and inspecting their arms, in noting delinquencies, and making report thereof as herein after directed.

4. If any person in the militia possessed of public arms as aforesaid, shall be about to remove out of the limits of his regiment, or during such possession arrive at the age of forty-five years, or in any other manner have right to be discharged from militia duty, every such person before such removal, or before he shall be entitled to any such discharge, shall deliver to the officer commanding the company to which he belongs, in good order and unimpaired, such public arms as may have been delivered to him, and if any person so possessed shall die, it shall be the duty of the officer commanding the company to which he belonged, immediately to take possession of such arms, inspect, and take care of them in the manner herein after directed, to be delivered to some other person in his company in manner before directed.

5. It shall be the duty of officers commanding companies, within ten days after each muster which he shall have to make return of his company to the major commanding the battalion, reporting all delinquencies that happen at such muster, and if at any time it shall come to his knowledge, that any one of his company has embezzled or disposed of his arms, or has removed out of the limits of his regiment, without delivering them up as herein before directed, in all such cases, it shall be his duty immediately to proceed by and under the authority of a warrant according to law, issuing from any justice of the peace of the county or counties, where such arms, or any part thereof, are supposed to be, to regain the possession of such arms wherever the same may be found, and it shall moreover be the duty of such captain to proceed, as is herein after directed, to bring to punishment according to this act, every person offending in the disposing, buying or concealing such arms.

6. And for enforcing obedience to this act, *Be it enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, that is to say: by a commanding officer of a regiment, for failing or refusing to receive the arms for his regiment and delivering them out as directed, for each and every such offence or neglect, shall forfeit and pay a sum not exceeding five hundred dollars; by a commanding officer of a battalion, for failing to do any of the duties required by this act, for each and every such neglect, shall forfeit and pay a sum not exceeding two hundred and fifty dollars; by any captain or commanding officer of a company, for

Militia to keep their arms in good order.

Militiaman removing or arriving to 45 years of age to return his arms.

Officers to recover arms embezzled or removed.

Penalties on officers for failure or neglect of duty herein.

failing to receive any arms, or to give receipts therefor, failing to distribute them according to this act, and take receipts for the same, to make any report concerning the said arms, to deliver the same according to this act, for each and every such offence, neglect, or failure, he shall forfeit and pay a sum not exceeding fifty dollars; by a subaltern officer failing to do any of the duties herein required of his captain, in case of his absence, for each and every such offence, neglect, or neglect, shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by their respective regimental courts of enquiry; by any non-commissioned officer or private, for refusing to receive any arms when offered, for failing to keep the same in order, as directed by this act, to return the same when legally required, for each and every such offence, failure or neglect, shall forfeit and pay a sum not exceeding one dollar.

Penalty for transferring or purchasing public arms.

7. *And be it further enacted*, That any non-commissioned officer or soldier, who shall attempt to transfer a right to the said arms in his custody or to any part thereof, by sale or otherwise, to any person or persons; accompanied by actual delivery, as well every person so offending, as every person purchasing or concealing the said arms, knowing the said arms to be the property of the public, shall forfeit and pay for each offence the sum of fifteen dollars, to be recovered in the name of the commonwealth, by motion in any court of record within this state, provided such person, his agent or attorney shall have ten days previous notice of such motion; and the right of the commonwealth to such arms shall not by such or any other mode of transfer, be impaired or taken away.

Troops of artillery, &c. to be armed agreeably to their numbers.

8. And whereas the several companies of artillery, grenadiers, light infantry, riflemen, and troops of cavalry, are allotted into classes by entire companies and troops: *Be it therefore enacted*; That the governor shall cause them to be armed by entire troops and companies, agreeable to their respective numbers, beginning at number one in each regiment, as soon as the arms necessary for that purpose can be obtained; and they shall be subject to the same rules and regulations, for the safe keeping the said arms, as are prescribed by this act to the rest of the militia.

Sheriffs to return lists of insolencies when collecting militia fines.

9. *And be it further enacted*, That it shall be the duty of sheriffs who have or may undertake the collection of militia fines, to return before the next succeeding regimental court of enquiry, after receiving a list of such fines, a list of all insolencies within such regiment, to be examined by the said court, who shall judge of such insolvents, and shall direct their clerk to certify a part or the whole of any such list, as to them shall seem just. For the amount of which list so certified, the sheriff shall be allowed a credit in settling his account with the auditor.

10. *And be it further enacted*, That the sheriff shall be allowed till the fifteenth day of December in each year, to settle up his said account with the auditor.

11. That all charges and expenditures necessary for carrying this act into effect, shall be paid out of any money in the public treasury.

CHAP. 50.—An ACT allowing a further time to the owners of certain entries of lands to survey the same.

(Passed January 28, 1800.)

1. *Be it enacted by the general assembly*, That the act passed at the last session, intituled, "*An act allowing a further time to the owners of certain entries of lands to survey the same*," shall be, and is hereby continued in force until the first day of June next.

Further time allowed to survey certain entries.

And that an act giving further time to return plats and certificates of survey into the land office, shall be, and the same is hereby continued in force until the first day of June next: *Provided*, That nothing herein contained shall be so construed as to affect any locations made since the expiration of the said recited acts.

To return plats, &c. into the land office.

2. This act shall commence and be in force from the passing thereof.

CHAP. 51.—An ACT concerning John Cox.

(Passed January 22, 1800.)

Whereas it hath been represented, that a certain John Cox be-
came bound as a security for sundry persons in the years one thousand seven hundred and eighty-six, and one thousand seven hundred and eighty-seven, in three bonds, payable to the commonwealth, for the amount of certain duties on goods imported by them: that judgments have been obtained against the said John Cox, on his bonds aforesaid, who is now compellable to pay the same, without a prospect of being reimbursed by the principals, as one of them is dead, insolvent, and the other without the reach of the process of the courts of this commonwealth: And the said John Cox hath petitioned this assembly to be allowed to discharge the said judgments by instalments, which it hath been judged reasonable to do:

Preamble.

1. *Be it therefore enacted*, That the said John Cox, shall, on or before the first day of April next, enter into two bonds, with sufficient security (to be approved of by the auditor of public accounts,) one in the penalty of double the amount of one half the sum due on the said judgments, with condition for payment of one moiety of the said judgments (to be ascertained therein) on or before the first day of October, one thousand eight hundred, and the other bond in the like penalty, with condition for the payment of the balance due on the said judgments, (to be also ascertained therein) on or before the first day of October, eighteen hundred and one. If the said John Cox shall neglect or fail to enter into bonds pursuant to the directions of this act, he shall be deprived of the benefit and indulgence hereby granted.

Time allowed J. Cox to pay certain public debts, on his giving bond and security.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 52.—An ACT concerning John Stith, late sheriff of Brunswick.

(Passed January 20, 1800.)

1. *Be it enacted by the general assembly*, That John Stith, late sheriff of the county of Brunswick, shall be, and he is hereby allowed until the first day of May next, to discharge one moiety of a judgment obtained against him, on behalf of the commonwealth, for the revenue taxes due in the said county, for the year one thousand seven hundred and ninety-eight, and that he be also allowed until the first day of November next to discharge the residue of the

Time allowed to J. Stith to discharge a judgment obtained against him by the state.

said judgment: *Provided however*, That the said John Stith shall be deprived of the benefit of this act, until he, together with Benjamin Harrison, Thomas Washington, Gray Washington, Burwell Wilkes, Willy Harrison and Edward Branch, securities of Theophilus Harrison, deceased, who was a deputy of the said John Stith, with such other security, if necessary, as in the opinion of the said court may be deemed the most ample, shall, by a sufficient deed, to be approved of by the court of the said county, convey in trust to the present sheriff of the said county, and his successor, all their estates, both real and personal, for the discharge of the aforesaid judgment to the treasurer of this commonwealth, and his successors, agreeably to the object of this act. In such deed it shall be provided, that in case of failure in payment of the first moiety of the said judgment, by the time aforesaid, the said estates, or a sufficiency thereof, shall be sold by the said trustee to discharge the whole of the said judgment, and that no sale by virtue of such deed, shall be made without giving thirty days previous notice thereof. The said sheriff or his successor, in making a sale under this act, shall receive the same commissions as he would have been entitled to, if such sale had been made under an execution.

3. This act shall commence in force from the passing thereof.

CHAP. 53.—An ACT for authorizing Samuel Keys to collect certain fines remitted by the executive.

[Passed January 7, 1800.]

S. Keys authorized to collect certain fines.

1. *Be it enacted by the general assembly*, That whereas Samuel Keys, late sheriff of Rockbridge, paid into the public treasury, certain fines assessed by the court of the said county, on Robert M'Chesney, Joseph Lyle, Hugh Gibson and Alexander Hyndman, for their non-attendance as grand jurymen on the said court, without knowing that the executive had remitted the same, and doubts have arisen whether he can proceed now to the collection thereof: And whereas it appears on examination that the executive had no authority to remit such fines: *Be it therefore enacted*, That the said Samuel Keys be, and he is hereby authorized to proceed to the collection of the same, in like manner as he might have done, while sheriff of the said county.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 54.—An ACT for the sale of certain Glebe lands in the counties of Louisa and Prince William.

[Passed January 11, 1800.]

Preamble.

Whereas applications have been made to the present general assembly, by sundry inhabitants of the counties of Louisa and Prince William, for a disposition of certain glebe lands in the said counties, for the benefit of the poor thereof:

Commissioners appointed to sell certain glebe lands in Louisa.

1. *Be it enacted by the general assembly*, That William O. Callis, Christopher Smith, James Winston, Overton Harris and Samuel Overton, gentlemen, or any three of them, be, and they are hereby appointed commissioners with full power, and they are accordingly directed, upon giving three weeks previous notice in the Virginia gazette, of the time and place of sale, to dispose of, to the highest bidder, on such credit as to them shall seem best, the tract of land and its appurtenances appropriated as a glebe for the parish of

Trinity, in the county of Louisa, the purchaser or purchasers giving to the said commissioners, or such of them as may act under this law, bond with security, to be approved of by them, for the payment of the purchase money; and the same when received by the said commissioners, shall be paid by them to the overseers of the poor of the said county of Louisa, who shall apply and appropriate the same in such manner as they may judge best, for the benefit of the poor of the said parish of Trinity.

Proceeds of sale,
how appropriated.

2. *And be it further enacted*, That William Grant, John T. Fitzhugh, Enoch Reno, James Foster, Thomas T. Page, and Thomas Mason, gentlemen, or any three of them, be, and they are hereby appointed commissioners with full powers, and they are accordingly directed, upon four weeks previous notice being given in one of the Alexandria newspapers, of the time and place of sale, to dispose of to the highest bidder, on twelve months credit, the tract of land and its appurtenances, appropriated as a glebe for the parish of Dittengen, in the county of Prince William, the purchaser or purchasers giving to the said commissioners, or such of them as may act by virtue hereof, bond with security, to be approved of by them, for the payment of the purchase money; and the same, when received by the said commissioners, shall be paid by them to the overseers of the poor of the said county of Prince William, who shall apply and appropriate the same in such manner as they may judge best towards the education of the poor children within the said county. The said commissioners are hereby authorized and empowered to recover of John M'Million, by suit or otherwise, in a legal manner, the same rent for the said land and appurtenances, for the year one thousand seven hundred and ninety-nine, that the said John M'Million had stipulated and contracted to pay therefor for the year one thousand seven hundred and ninety-eight, to Spence Grayson, the late supposed incumbent of the parish aforesaid. And the said commissioners may and shall permit the said John M'Million, who is now in possession of the said premises, to hold and possess the same for the year one thousand eight hundred, upon paying to the said commissioners the same rent that he contracted to pay therefor to the said Spence Grayson, for the year one thousand seven hundred and ninety-eight, which shall and may be recovered by the said commissioners in manner aforesaid. Any money, tobacco, or other thing which may be recovered by the said commissioners, for and on account of the rent of the premises aforesaid, shall be paid by them to the said overseers, who shall apply and appropriate the same as is herein before directed in the case of the proceeds arising from the sale of the said premises.

Commissioners
appointed to sell
glebe lands in P.
William.

Proceeds, how ap-
propriated.

J. M'Million to
pay rent to the
commissioners for
the glebe of Dit-
tengen.

M'Million's rent
how appropriated.

3. This act shall commence and be in force from the passing thereof.

CHAP. 55.—An ACT for paying the officers of the general assembly for their services during the present session.

(Passed January 25, 1800.)

1. *Be it enacted*, That the allowance to the officers of the general assembly, for their services during the present session, shall be as follows, that is to say: To the chaplain, twenty dollars per week; to the clerk of the house of delegates, one hundred and forty-five dollars per week; to the clerk of the senate, seventy-two dollars and fifty cents per week; to the clerk of the committees of propo-

Pay of the officers
of the general as-
sembly.

Allowance to the
printer of the se-
nate.

sitions and grievances, and privileges and elections, forty dollars per week; to the clerk of the committee for courts of justice, forty dollars per week; to the clerk of the committee of claims, forty dollars per week; to the serjeant at arms to the senate and house of delegates, each thirty-seven dollars per week; to each of the doorkeepers of the senate and house of delegates, twenty-one dollars per week; to Thomas Nicolson, for printing the journals of the senate, two hundred and fifty dollars; and to the person who cleans the capitol, twenty-four dollars.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 56.—An ACT appointing commissioners to fix the place for holding a court for the district composed of the counties of Prince William, Fairfax, Loudoun, and Fauquier.

[Passed January 23, 1800.]

Preamble.

Whereas it is represented that the place appointed by law for holding a court for the district composed of the counties of Prince William, Fairfax, Loudoun, and Fauquier, is not only remote from the centre of the district, but inconvenient to suitors and others necessarily compelled to attend the said court:

Commissioners
appointed to as-
certain the place
where the court
for the district of
Prince William,
&c. shall be held.

1. *Be it therefore enacted by the general assembly*, That Richard Kidder Meade, John Milton, William Davis, Mann Page, John Minor, John Thornton, and Francis T. Brooke, gentlemen, or a majority of them, be, and they are hereby authorized and required to meet at Joseph Lacey's tavern, in Loudoun, on the twelfth day in June next, and thence proceed to view, examine, and ascertain the most fit and eligible situation within the said district, all things being considered, at which the court for the said district ought in future to be held. That so soon as the place for holding the said court shall be ascertained and fixed, the said commissioners, or a majority of them, shall certify the same under their hands and cause it to be delivered as soon as may be, to one of the following persons, to wit: Samuel Love, William Edmonds, junior, Israel Lacey, or Edmund Brooke, gentlemen, who, or a majority of them, shall proceed to let the building of a courthouse, prison, and other necessary buildings, of such dimensions and form, as they may judge most proper, to the lowest bidder; having previously advertised the time and place at which the same shall be done, in the Alexandria and Leesburg papers for one month; and after having ascertained the sum for which the said buildings may be erected, shall proceed to notify each of the courts of Prince William, Fairfax, Loudoun, and Fauquier, of the amount thereof, and shall ascertain also in the notification, the proportion to be paid by each county, according to the number of tithables therein, and the respective courts shall, at the time directed by law for laying county levies, next ensuing the receipt of the said certificate, levy their several proportions of the expense of the said buildings, to be paid to the order or orders of the said last mentioned commissioners, or a majority of them. The person or persons undertaking the said buildings, shall enter into bond with sufficient security, in the penalty of ten thousand dollars, payable to the said commissioners, or the survivors or survivor of them, with condition for the due and faithful performance of the work, according to contract.

Commissioners
appointed to let
the erecting neces-
sary buildings
therefor.

How the expense
thereof shall be
paid.

Undertaker to
give bond.

2. If a majority of the said first named commissioners shall fail to attend at the time and place aforesaid, it shall be lawful for them to meet and proceed on any other day to the execution of the duties required of them by this act. So soon as the said buildings shall be completed, the same shall be published by the said last named commissioners, in one or more of the Virginia newspapers, and thenceforth the said court shall be held at the said place.

CHAP. 57.—An ACT concerning the navigation of Monongalia river and its branches.

(Passed January 20, 1800.)

1. *Be it enacted by the general assembly*, That the Monongalia river from the south boundary line of Pennsylvania, up to the confluence of the rivers of Tyger Valley and West branch, thence up the Tyger Valley river to John Nusum's mill, and up the West branch river to Edward Jackson's mill, and up Simpson's creek to Benjamin Wilson's mill, and up Elk creek to George Jackson's mill, shall be forever considered and taken as a public highway, free for navigation. If any person or persons shall place or put any obstruction to the navigation of the said rivers or creeks, within the distance aforesaid, he or they shall, for every such offence, forfeit and pay the sum of fifty dollars for every month such obstruction shall remain therein, to be recovered in any court of record in this commonwealth, with costs, by action of debt or information, and applied one moiety to the use of the person prosecuting, and the other moiety to the justices of the court of that county where the suit shall be tried, to be by them applied towards improving the navigation of the said rivers and creeks.

Monongalia river, &c. declared a public highway.

Penalties on persons obstructing the navigation thereof.

2. *Provided always, and be it further enacted*, That the proprietor of any mill dam erected across either of the said rivers or creeks, within the aforesaid distance, shall be allowed one year from and after the passing of this act, to erect sufficient locks and slope by or through the same, for the convenient and safe passage of boats, to be adjudged of by the court of the county wherein the lock or slope is erected. If the proprietor of any mill across either of the said rivers or creeks hereby declared to be a public highway, shall fail or neglect to make such locks and slope, and keep the same in constant repair, it shall be lawful for any person or persons to pull down and destroy such mill dam.

Owners of mill dams across any of them to erect locks and slopes therein.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 58.—An ACT supplemental to the act to amend the penal laws of this commonwealth.

(Passed January 25, 1800.)

1. *Be it enacted and declared by the general assembly of Virginia*, That from and after the period when the act, intituled, "*An act to amend the penal laws of this commonwealth*," shall commence and be in full force and operation, if any free person shall be convicted (either as principal or accessory) of any felony or offence whatsoever, not already provided for by the said recited act, the punishment whereof by the laws in force at and before the commencement of the said recited act, may amount to death, without the benefit of clergy, every such offender from whom the benefit of clergy would have been taken away, shall be sentenced to undergo

Punishment for offences not therein provided for after the act amending the penal laws shall commence in force.

The Commission on the Administration of Justice, created by the President in 1962, has been studying the problems of the courts and the judiciary for several years. It has held many public hearings and has received many suggestions from judges, lawyers, laymen, and the public. It has also conducted extensive research into the various problems of the courts and the judiciary.

The Commission's report, "The Administration of the Courts," was published in 1965. It contains many recommendations for improving the courts and the judiciary.

THE PROBLEM OF JUDICIAL ECONOMICS

The Commission found that the courts are in a financial crisis. The salaries of judges are too low, and the courts are understaffed. This has led to a backlog of cases, which is causing a serious delay in the justice system. The Commission believes that this is a major problem that must be solved. It recommends that the salaries of judges be increased, and that the courts be properly staffed. It also recommends that the courts be given more authority to manage their own affairs, so that they can better control their budgets and their operations.

The Commission also found that the courts are facing a serious problem of access to justice. Many people are unable to afford the cost of a trial, and many people are unable to understand the legal system. The Commission believes that this is a major problem that must be solved. It recommends that the courts be given more authority to provide legal aid to the poor, and that the courts be given more authority to provide legal education to the public. It also recommends that the courts be given more authority to provide legal services to the community.

These recommendations are essential for the improvement of the courts and the judiciary.

THE PROBLEM OF JUDICIAL ADMINISTRATION

The Commission found that the courts are in a state of administrative chaos. The courts are not properly managed, and the courts are not properly organized. This has led to a serious delay in the justice system.

The Commission believes that this is a major problem that must be solved. It recommends that the courts be given more authority to manage their own affairs, so that they can better control their budgets and their operations. It also recommends that the courts be given more authority to provide legal aid to the poor, and that the courts be given more authority to provide legal education to the public. It also recommends that the courts be given more authority to provide legal services to the community.

a confinement in the jail and penitentiary house, established by the said recited act, for a period not less than one, nor more than ten years, and shall be kept therein at hard labour, or in solitude, and in all other respects be treated as in and by the said recited act is directed.

2. And whereas the method heretofore observed in calling courts for the examination and trial of criminals in the counties and corporations of this commonwealth, has been found inconvenient and expensive, and sometimes to obstruct public justice: For remedy whereof, *Be it further enacted and declared by the general assembly*, That hereafter when any free person or slave shall be committed to jail, by any justice of the peace of any county or corporation for examination or trial, and the court summoned by the sheriff for the examination or trial of such free person or slave, shall fail to meet as heretofore prescribed by law, all the recognizances entered into by any person or persons to appear at such called court, shall stand obligatory to the next court of such county or corporation, and every such person or persons shall be obliged to appear accordingly, and that such examination or trial shall be at the next court to be held for such county or corporation, which court shall be composed of the same number of justices as are now required by law; any thing in this or any other act to the contrary notwithstanding.

Commencement.

3. This act shall commence and be in force so soon as the act herein before mentioned and recited, shall, by virtue of the governor's proclamation, commence and be in operation.

CHAP. 59.—An ACT concerning the junior clerk in the auditor's office.

(Passed January 22, 1800.)

Salary of the junior clerk in auditor's office.

1. *Be it enacted by the general assembly*, That the junior clerk in the auditor's office, shall hereafter be entitled to receive for his services annually, the sum of five hundred dollars, to be paid as heretofore in quarterly payments.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 60.—An ACT for altering the court day of the county of Fluvanna.

(Passed January 8, 1800.)

Fluvanna court day altered.

1. *Be it enacted by the general assembly*, That a court for the county of Fluvanna, shall hereafter be held by the justices thereof, on the fourth Monday instead of the first Thursday in every month.

2. This act shall commence and be in force from and after the first day of February next.

CHAP. 61.—An ACT to appropriate a sum of money for the repair of the houses and lot set apart for the use of the governor, and for other purposes.

(Passed January 27, 1800.)

Sum of money appropriated for the governor's house.

Be it enacted by the general assembly, That the sum of two hundred and fifty pounds two shillings, be appropriated under the direction of the executive, for the repairs of the houses and lot set apart for the use of the governor of this commonwealth; and the further sum of two hundred and thirty pounds, under the like direction, be appropriated for the purchase of the furniture necessary for the use of the governor. The auditor is hereby authorized, upon a certificate from the executive, to issue his warrant upon the

treasury, and the treasurer is hereby required to pay the amount out of any money in the treasury.

CHAP. 62.—An ACT repealing in part the act, intituled, "An act for assessing the lands in the counties of Greenbrier, Kanawha and Randolph," and for other purposes therein mentioned.

(Passed January 21, 1800.)

Whereas it is represented, that the commissioners appointed under the act passed in the year one thousand seven hundred and ninety-six, intituled, "*An act for assessing the lands in the counties of Greenbrier, Kanawha and Randolph,*" have, in assessing the lands in the county of Greenbrier, assessed those which were before assessed under the act passed in the year one thousand seven hundred and eighty-two, intituled, "*An act for equalizing the land tax,*" and increased the valuation thereof, which at this time appears to be unjust and unreasonable:

1. *Be it therefore enacted by the general assembly,* That so much of the first recited act, as empowered the said commissioners to increase the valuation of those lands assessed under the aforesaid act, passed in the year one thousand seven hundred and eighty-two, be, and the same is hereby repealed; and the lands shall remain and continue as assessed under the act last mentioned.

Part of the act passed in 1796, for assessing lands in Greenbrier, &c. repealed.

2. And whereas the said commissioners in valuing other lands in the said county of Greenbrier, which were not before assessed, have valued the same at a rate beyond their intrinsic worth: *Be it therefore enacted,* That the said valuation shall be, and it is hereby set aside, and declared of no effect; and a new valuation of the said lands, or so much thereof, as were not heretofore valued by the ordinary commissioners, shall be made by the commissioners of the said county, in proportion and according to the valuation of other lands therein, having regard to the soil and situation of the lands so to be valued, in comparison with that of other lands in the said county.

A new valuation of certain lands in Greenbrier to be made.

3. *And be it further enacted,* That the sheriff of the said county of Greenbrier, shall be chargeable or accountable for the taxes collected or now due, on lands in the said county, according to the valuation thereof, made under the before recited act, passed in the year one thousand seven hundred and eighty-two, and not otherwise; any law to the contrary thereof notwithstanding.

Sheriff to be accountable for taxes on lands according to assessment of '82.

4. This act shall commence in force from the passing thereof.

CHAP. 63.—An ACT for opening a road through the counties of Berkeley and Hampshire.

(Passed January 25, 1800.)

Whereas it hath been represented to the present general assembly, that a more convenient and direct road than the one now established, may be opened through the counties of Hampshire and Berkeley, towards the federal city, by which a considerable distance will be saved to a great number of citizens necessarily compelled to travel the road:

1. *Be it therefore enacted,* That James Stephenson, Thomas Hammond, Daniel Vanmetre, John Higgins, Joseph Asbury and John Perrell, junior, gentlemen, shall be, and they are hereby constituted commissioners, who, or a majority of them, shall, and they are hereby empowered and required, on or before the first day of

Commissioners appointed to view and report a road, to the courts of Berkeley and Hampshire.

The expense of opening the road to be defrayed by a county levy.

June next, to view, examine and mark out the most convenient and direct way for a road from Keye's ferry, on the Shenandoah river, through the said counties of Berkeley and Hampshire, to cross the south and north branches of Potowmac river, so as to intersect the Maryland road, near Evan Gwyne's tavern. And thenceforth the said commissioners, or a majority of them, shall proceed to report to the court of the said counties of Berkeley and Hampshire, the way the road is to run through the said counties, and what money in their opinion will be sufficient to defray the expense of opening and clearing out the same, and thereupon the said county courts are hereby empowered to levy, at the laying of the county levies thereafter next ensuing the report of said commissioners, the several sums necessary for opening and clearing the said road, agreeable to the report of the said commissioners. The expense of opening and clearing said road to be a separate and distinct charge to each county: *Provided however*, Such expense shall not exceed the sum of one thousand dollars for each county.

To be let to the lowest bidder.

2. *And be it further enacted*, That the said commissioners, or a majority of them, shall proceed to let to the lowest bidder or bidders, the opening and clearing the said road; and such bidder or bidders so undertaking the opening and clearing the said road, shall respectively give bond, with sufficient security, in the penalty of two thousand dollars, payable to the said commissioners, or the survivors or survivor of them, with condition that he or they will (within the time ascertained by such commissioners for that purpose) open and clear the road by him or them undertaken, fit for the convenient passage of travellers, to be adjudged of by the said commissioners.

How the commissioners shall be paid.

3. *And be it further enacted*, That the said county courts are hereby authorized to make a reasonable compensation to the said commissioners, for the trouble and expense they must necessarily be at in discharge of the duties by this act of them required.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 64.—An ACT authorizing the governor of this commonwealth to convey to the United States, upon certain conditions, the property of this commonwealth called Gosport.

[Passed January 25, 1800.]

Preamble.

Whereas it has been represented to the present general assembly, that the government of the United States are desirous that certain lands, the property of this commonwealth, commonly called and known by the name of Gosport, should be vested in the United States, for the purpose of establishing a navy yard on the same:

Governor to convey Gosport to the U. States on certain conditions.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the governor of this commonwealth, and he is authorized to appoint some fit and proper person, to meet such person as shall be appointed on the part of the United States, to ascertain and fix the value of the property belonging to this commonwealth, situate near the town of Portsmouth, in the county of Norfolk, commonly called and known by the name of Gosport. So soon as the value of the property shall be ascertained and the governor shall be satisfied that the government of the United States are willing to pay the amount thereof to this commonwealth, then, and in that case, it shall be lawful for the governor of this commonwealth,

and he is hereby authorized for, and in behalf of this commonwealth, by proper deeds in writing, under his hand and the seal of the commonwealth, to convey, transfer, assign and make over unto the United States, all interest in, and title to, as well as all the jurisdiction which this commonwealth possesses over the public lands commonly called and known by the name of Gosport before mentioned, for the purpose of establishing a navy yard: *Provided*, That nothing herein contained shall be so construed as to prevent the officers of this state from executing any process whatever within the jurisdiction hereby directed to be ceded.

2. *And be it further enacted*, That in case the government of the United States shall at any time hereafter abandon the design of establishing a navy yard at the place hereby ceded to the United States, or after the establishment thereof shall discontinue the same, then, and in that case, the property in the soil, and the jurisdiction over the territory hereby directed to be vested in the United States, shall revert to this commonwealth, and shall be considered as the property and subject to the jurisdiction of the same, in like manner as if this act had never been made: *Provided*, That in such case this commonwealth will repay to the government of the United States, the sum or sums paid by the United States in consideration of the cession hereby directed to be made.

3. This act shall commence and be in force from and after the passing thereof.

RESOLUTIONS.

IN THE HOUSE OF DELEGATES.

FRIDAY, January 10th, 1800.

Preamble.

Whereas it is represented to the present general assembly, that the people living between what are called Walker's and Henderson's lines, so far as the same run between the state of Tennessee and this state, do not consider themselves under either the jurisdiction of that or this state, and therefore refuse the payment of any taxes to either of the said states, or to the collectors of either, for the general government, because the state of North Carolina, on the twenty-fifth day of February, 1790, ceded the said state of Tennessee, then called the south western territory, to the government of the United States; and therefore, the act, intituled, "*An act concerning the southern boundary of this state,*" passed on the seventh of December, 1791, in this legislature to establish the line commonly called Walker's line, as the boundary between North Carolina and this state, could only bind the state of North Carolina, as far as her territorial limits extended on the line of this state, and could not bind the said south western territory, which had previously been conveyed as aforesaid: And whereas since the said cession, the general government hath erected the said south western territory into an independent state, by their act of June the first 1796, whereby it has become the duty of the said state of Tennessee and of this state, to settle all differences between them with respect to the said boundary line:

Commissioners to be appointed to fix the boundary line between this state and Tennessee.

Resolved, therefore, That the executive be authorized and requested to appoint three commissioners, whose duty it shall be to meet commissioners to be appointed by the state of Tennessee, to settle and adjust all differences concerning the said boundary line, and to establish the one or the other of the said lines, as the case may be, or to run any other line which may be agreed on, for settling the same; and that the executive be also requested to transmit a copy of this resolution to the executive authority of the state of Tennessee.

January 13th, 1800—Agreed to by the senate.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY, THE FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT
HUNDRED.

CHAP. 1.—An ACT to incorporate a company for establishing a turnpike road,
from the mouth of Savage river, or George's creek on Potowmac, to the
nearest western navigation.

Whereas it is conceived that great advantage would accrue to Preamble.
the trade of the Potowmac, and to this commonwealth generally,
by making easy the communication between the head navigation of
that river and the nearest western navigation; which would cause
the produce of a large extent of the western country to take its
course into this channel, instead of going two thousand five hun-
dred miles, partly through the dominion of a foreign nation to a
market at New Orleans; and

Whereas it is represented to this general assembly, that this ad-
vantage may be procured by opening a road of about forty miles,
and that an association of citizens are willing to undertake to make
the road, if proper legislative encouragement be given by the states
of Virginia and Maryland through both of which the road will
have to pass about an equal distance:

1. *Be it therefore enacted*, That a subscription be opened for fifty
thousand dollars in shares of fifty dollars each, and that subscrip-
tions be taken under the directions of Charles Sims and William
Hartshorne, who will meet such persons as may be appointed for
the same purpose by the state of Maryland, in the city of Wash-
ington, on the first Monday in March next; Alexander White and
James Stevenson, of the county of Berkeley, who will meet such
persons as may be appointed for the same purpose by the state of
Maryland, at Williamsport, on the said first Monday in March;
Edward M'Carty and Lewis Drunn, of Hampshire county, who will
meet such persons as may be appointed for the same purpose by the
state of Maryland, at Fort Cumberland, on the said first Monday in
March; John Webster, John Prunty and Maxwell Armstrong, of
Harrison county, who will attend at Clarksburg, on the said first
Monday in March; John Stealey, Henry Deering and Hugh M'Nea-

Subscription to be
opened for fifty
thousand dollars
in shares of fifty
dollars.

ley, of Monongalia county, who will attend at Morgantown on the said first Monday in March; and Archibald Magill, Adam Douglas and Robert Mackey, of Frederick county, who will attend at Winchester, on the said first Monday in March, who, or a majority of them at each place of subscription, shall procure two books and in each of them enter as follows:

"We whose names are hereto subscribed do promise to pay to the president, managers, and company, of the Allegany turnpike road company, the sum of fifty dollars for every share of stock in the said company, set opposite to our respective names." And the persons appointed as aforesaid, or a majority of them, may proceed at any other time and place to take subscriptions as a majority of them at any such place may determine, until the whole number of shares be subscribed for.

How the shares
shall be paid.

2. *And be it further enacted*, That the shares subscribed as aforesaid, shall be paid in the following manner, viz: every person at the time of subscribing shall pay five dollars for each share by him subscribed, to the person or persons appointed by this act, to take in subscriptions, and that the remaining forty-five dollars for each share, shall be paid to the president and managers of the road elected agreeably to this act, as follows: ten dollars by every subscriber for each share subscribed by him within six months from the election of the said president and managers; fifteen dollars by every subscriber for each share subscribed by him, in twelve months from the election of the said managers; ten dollars by every subscriber for each share subscribed by him, in eighteen months from the election of the said managers, and ten dollars by every subscriber for each share subscribed by him, in two years from the election of the said managers: and if any person shall fail to make any future payments, he shall forfeit the sum or sums by him before paid for the use of the road, and shall also forfeit his right to his subscription, and the president and managers shall have liberty to dispose of such forfeited share for the use of the road.

How subscribers
shall vote.

3. *And be it further enacted*, That every subscriber shall be entitled to vote by himself, his agent or proxy appointed under his hand and seal, at all elections in virtue of this act, and shall have as many votes as he has shares, so far as five shares, and one vote for every five shares thereafter: *Provided*, That no stockholder shall have more than ten votes, and every stockholder may sell and transfer his stock in said road, or any part thereof, at his pleasure, not being less than one complete share, the transfer being made in the road book in the presence and with the approbation of the proprietor or his lawful attorney: the purchaser then being entitled to all the rights which the original proprietor enjoyed.

President and managers when and
how to be chosen.

4. *And be it further enacted*, That as soon as three hundred shares be subscribed, the persons hereby empowered to take subscriptions, or any five of them may call a meeting of the subscribers at the city of Washington, after not less than four weeks notice successively in at least one of the Washington city, Winchester and Hagerstown newspapers; and the subscribers assembled in consequence of such notice shall choose by ballot from among the subscribers by a majority of votes of such as may be present, or by proxy, five managers for the term of one year thereafter, and on the same day annually a like election shall be made, and in case of refusal, death, resignation or disqualification of any manager, the re-

maining managers at their next meeting thereafter, shall elect by ballot, another person qualified as aforesaid in his place for the residue of the year. The managers or any three of them shall at their first meeting, after every annual election, elect by a majority of members present by ballot from among the stockholders, a president who shall, whether a manager or not, be thereupon entitled to all the powers and privileges of one, and if he was before a manager, another manager shall be elected as aforesaid, so as to keep up the number of managers prescribed by this act, exclusive of the president; and in case of refusal, death, resignation or disqualification of the president, the managers shall meet as soon as conveniently can be thereafter, and elect another person for president in the manner aforesaid.

5. *And be it further enacted*, That all those who shall become subscribers to the said road, their successors or assigns, shall be, and they are hereby created and made a body politic, by the name and style of the President, Managers and Company of the Allegany Turnpike Road. And by the said name, the subscribers shall have perpetual succession and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estates real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of all and every other matter and thing, which a corporation or body politic may lawfully do, by making by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this commonwealth and of the United States. Company incorporated.

6. *And be it further enacted*, That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain bearers, to enter into and upon all and every the lands, tenements and inclosures through which the said intended road may be thought proper to pass, and to examine the ground most proper for the purpose, and to survey, lay down, mark and fix such route or tract for the same as in the best of their judgment and skill, will combine shortness of distance with the most convenient and practicable ground from the mouth of Savage river or George's creek, to the nearest western navigation, and if the proprietor or proprietors of any ground through which the said road may pass, shall require a compensation for the same, and should be unable to agree with the president, managers and company or their agent for the price of the same, such proprietor or proprietors shall apply to the court of the county in which the land lies, whose duty it shall be to direct the sheriff of their county to summon twelve freeholders unconnected with the person or persons owning the ground, and disinterested in the shares of the Allegany Turnpike Road Company, who shall view and assess the value of the ground aforesaid, and damages, which assessment shall be paid by the president, managers and company. Powers of the company in opening the road.

7. *And be it further enacted*, That the president, managers and company, shall have power to erect permanent bridges over all wa- Bridges to be erected.

Description of the road.

ters crossing the said route or tract, wherever the same shall be found necessary; and shall cause a road to be laid out forty feet wide, twenty feet at least whereof shall be made an artificial road, which shall be bedded with wood, stone, gravel, or some other hard substance, well compacted together a sufficient depth to secure a solid foundation to the same.

Toll-gates to be erected and toll-gatherers appointed.

8. *And be it further enacted*, That the said company having cut out, dug and bridged the said road, so as to make it convenient and easy for carriages of burden to travel, the same may erect two gates, one of which shall be within three miles of each end of the road, at which it shall and may be lawful for them to appoint such, and so many toll-gatherers as they may think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any horses, hogs, cattle, sheep, sulky, chair, cart, waggon, sleigh or any other carriage of burthen or pleasure, from passing through the said gates or turnpike, until they shall have respectively paid the same; that is to say, at each gate the following sums of money, and so in proportion for any greater or lesser number of cattle, sheep or hogs, viz: for every score of hogs, ten cents; for every score of sheep, ten cents; for every score of cattle, twenty cents; for each person travelling on horseback, six cents; for every horse led or driven, four cents; for every carriage with two wheels, fifteen cents; for every carriage with four wheels and drawn by not more than two horses, twenty-five cents; for every carriage of four wheels and drawn by more than two horses, thirty cents; and for every sleigh or slide, six cents for each horse drawing the same.

Rates of toll.

Toll of carriages drawn by mixed team.

9. *And be it further enacted*, That all such carriages as aforesaid, to be drawn by oxen or partly by oxen and partly by horses or by mules, the same rates of toll shall be charged as if the whole were drawn by horses.

Four years allowed for completion of the road, when double tolls may be demanded.

10. *And be it further enacted*, That the term of four years be allowed the aforesaid company for completing the aforesaid road, and when the said road shall be completed by being bedded with stone, wood, gravel or some other hard substance well compacted together of a sufficient depth to make a solid foundation, it shall and may be lawful for the aforesaid company to demand and receive double the tolls herein before mentioned upon each article herein before mentioned.

Penalty for failing to keep the road in repair.

11. *And be it further enacted*, That if at any time after the said road shall be completed the said company shall neglect to keep the same in good and perfect order and repair for the space of ten days, and information shall be given to a justice of the peace of the neighbourhood, such justice shall issue a precept directed to any constable, commanding him to summon three freeholders to meet at a certain time to be mentioned in the said precept at the place in the said road which shall have been complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place by the oaths or affirmation of the said freeholders, inquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out

of order and repair according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the gates or turnpikes, and from thenceforth the toll hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put in good and perfect order and repair before the next court of the county wherein the same shall be, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, who shall thereupon cause process to issue, returnable at any time during the said court, or on the first day of the ensuing court as the justices may think proper, to summon the person or persons entrusted by the said company, with the care and superintendence of the said road, which process being returned executed, the person or persons summoned thereby, shall immediately thereafter plead to issue to the inquisition aforesaid, and a jury shall immediately be impannelled to try the same; who, if they shall find the facts contained in the inquisition to be true shall amerce the said person or persons so having the superintendence of the said road, according to the nature and degree of neglect, which amercement together with the costs imposed by the prosecution upon the said person or persons, shall be recovered in the same manner as amercements are usually recovered in the said courts, and shall be applied to the reduction of the county levy, and in case the said person or persons to be amerced as aforesaid, should be insolvent for the whole or any part of the said amercement, the company shall be responsible for the same, to be recovered in the name of the commonwealth, by action of debt or information in any court of record in this commonwealth: *Provided, however,* That if any person or persons should be impeded, obstructed or injured in consequence of the said road not being in good and sufficient order and repair after having been completed as aforesaid, according to the true intent and meaning of this act, he, she or they shall and may have and maintain an action on the case against the said company to recover damages therefor.

12. *And be it further enacted,* That the president and managers of the said company shall keep just and fair accounts of all monies to be received by them from the persons appointed to take subscriptions, and from the subscribers to the said undertaking on account of their several subscriptions of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders until the said road be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own

Company to keep account of the monies raised for opening the road.

If not sufficient, company authorized to increase the number of shares.

by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares in like manner, and under the like penalties as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

Company to account for and distribute the tolls received among the stockholders.

13. *And be it further enacted*, That the said president, managers and company shall also keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls at the several gates or turnpikes on the said road, and shall make and deliver a dividend of the clear profits and incomes thereof (all contingent costs and charges being first deducted) among all the subscribers to the said company's stock; and shall on every first Monday in January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Company to submit their accounts to the legislature once in five years.

14. *And be it further enacted*, That the said president and managers, after the said road shall have been completed in the manner aforesaid, shall once in every five years render to this legislature a true and perfect account of the nett profits thereof, by exhibiting a regular statement of the receipts and expenditures of the same, from which the several tolls herein granted shall from time to time be regulated.

Enacting clause.

15. This act shall commence and be in force as soon as the state of Maryland shall pass a similar law.

CHAP. 2.—An ACT to amend the act, intituled, "An act to amend an act, intituled 'an act, for appointing electors to choose a president and vice president of the United States.'"

(Passed December 2, 1800.)

Senate and house of delegates authorized to supply the vacancies occasioned by the absence of electors chosen by the people.

1. *Be it enacted by the general assembly*, That if any one or more of the electors chosen by the people under the authority of the act, intituled, "*An act to amend an act, intituled, 'an act for appointing electors to choose a president and vice president of the United States,'*" shall from any cause whatever, fail to attend at the place appointed by the said act for the meeting of the electors at three o'clock in the afternoon of this the second day of December one thousand eight hundred, it shall then be lawful for the senate and house of delegates, and they are hereby required by joint ballot to proceed to supply such vacancy or vacancies until the number of twenty-one electors for the purpose aforesaid is completed, which elector or electors so appointed shall be entitled to vote for a president and vice president of the United States in the same manner as if he or they had been chosen in the manner prescribed by the said law.

The electors so chosen to be superseded by the attendance of those chosen by the people.

2. *Provided nevertheless*, That if any elector or electors chosen by the people under the authority of the act aforesaid, shall attend at or before the hour of ten in the morning of to-morrow, then the appointments made under this act for the purpose of supplying such supposed vacancy shall be void and of no effect.

Repealing clause.

3. So much of the above recited act as comes within the purview of this act, shall be, and the same is hereby repealed.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 3.—An ACT concerning the Dismal swamp canal company.

[Passed December 16, 1800.]

Whereas it is represented to this general assembly, by the Dis-
mal swamp canal company, that the said company notwithstanding
the greatest exertions may not be able to complete the canal and
other works undertaken by them within the time to which they are
limited by law, and also that some alterations may be made in the
said works which will be beneficial to the said company and not
detrimental to the public. And whereas it consisteth with the true
policy and dignity of states to encourage works of public utility
and to favor those engaged in the execution of them so far as it
may comport with the general good :

1. *Be it enacted*, That the further time of five years be allowed
to the Dismal swamp canal company, to be computed from the nine-
teenth day of September, in the year one thousand eight hundred
and one, to complete their canal and other works in such a manner
as to entitle them to receive the tolls granted by law.

Further time al-
lowed for the com-
pletion of the
works.

2. *And be it further enacted*, That a causeway or road of the
dimensions prescribed by law on one bank of the said canal, shall
be sufficient until the legislatures of the states of Virginia and
North Carolina shall see proper to direct a like road or causeway to
be made on the other bank ; any act or part of an act to the con-
trary notwithstanding.

Directed that a
causeway be made
on one bank of the
canal.

3. And whereas it is represented, that parts of the said canal and
works may now be used by travellers and others, with advantage,
and it is just that they who receive the benefit therefrom should
make some return for the same : *Be it enacted*, That the said com-
pany shall have a right to demand and receive from those who may
choose to use their caseways or water before the navigation and
works shall be completed a reasonable compensation for the use
thereof. The assembly of North Carolina having passed an act
similar to this.

Company autho-
rized to take tolls
immediately.

4. This act shall commence and be in force from and after the
passing thereof.

Enacting clause.

CHAP. 4.—An ACT to amend an act, intituled, “ An act to reduce into one the
several acts concerning mills, mill dams and other obstructions of water
courses.”

[Passed December 18, 1800.]

Whereas doubts have arisen in the construction of the fifteenth
section of the act, intituled, “ *An act to reduce into one the several
acts concerning mills, mill dams and other obstructions of water
courses, passed the twenty-first day of December, one thousand se-
ven hundred and ninety-two :*”

Preamble.

1. *Be it enacted by the general assembly*, That in all cases of
petition or application to the court of a county for the removal of
obstructions across rivers and creeks, the clerk of the said court by
order thereof, shall issue a notification to all the magistrates of said
county, and also advertise at the courthouse door, the day such ap-
plication or petition will be decided upon. Two thirds of the ma-
gistrates in each county shall be requisite to constitute a court for
the trial or hearing such petition or application, a majority of whom
are hereby empowered to contract with any person or persons for
clearing the same, and to levy so much money in their county levy
as shall be sufficient to discharge such agreement or contract.

Clerk of the coun-
ty to advertise all
applications for re-
moving obstruc-
tions.

Two thirds of the
magistrates requi-
site for a decision.

2. All acts and parts of acts containing any thing within the purview of this act shall be, and are hereby repealed.

Enacting clause.

3. This act shall commence and be in force from the passing thereof.

CHAP. 5.—An ACT to amend the act for incorporating the trustees of the Leesburg academy, in the county of Loudoun.

(Passed December 17, 1800.)

Courts authorized to render judgment and award execution in the names of the trustees.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for any court of record within this commonwealth, to enter a judgment and to award execution thereupon with costs, in the names of the trustees of the Leesburg academy, in the county of Loudoun, or in the names of a majority of the said trustees against each and every person or persons who have heretofore or shall hereafter subscribe money for the use and benefit of the said academy, and have not paid the same agreeably to such subscription, and upon any execution issued under this law, the clerk of the court wherein the judgment was rendered shall endorse that no security is to be taken: *Provided always*, That ten days previous notice shall be given to each of the persons affected by this law before judgment be entered.

Proviso.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 6.—An ACT to authorize the commissioners of the revenue to re-assess lands in certain cases.

(Passed December 23, 1800.)

In what cases lands may be re-assessed, or a division among heirs.

1. *Be it enacted by the general assembly*, That where any person shall hereafter die seized of any tract of land, the whole of which might have been assessed by the commissioner of the county wherein the same lies at an equal rate, but which when divided among the heirs or devisees of the decedent shall contain some one or more parcel or parcels of a quality inferior to that of the other parcel or parcels, the heir or devisee, or heirs or devisees, or his, her or their guardian or guardians, as the case may be, to whom the parcel or parcels of such inferior quality may be allotted, may apply to the commissioner within whose district such parcel or parcels may lie, to make a re-assessment of the same, the said commissioner on such application shall, and he is hereby required forthwith to go upon the parcel or parcels of land proposed to be re-assessed, and according to the best of his skill and judgment apportion the tax originally assessed upon the entire tract of land, amongst the holders of the different parcels, having due regard to the relative value of the same, and thereupon proceed to charge them in his book of the land tax with their respective proportions of the tax of such land according to the apportionment by him made.

When they may be re-assessed among the alienees of the original holder.

2. *And be it further enacted*, That if any person shall be seized of any tract of land as aforesaid, and shall alienate the same to different alienees, or a part thereof to one or more persons, by which some one or more parcel or parcels shall be inferior in value to the other parcel or parcels, the alienor or alienee as the case may be, who shall have right to the parcel or parcels of such inferior value may have the same relief, and the commissioner of the district wherein the land lies, shall perform the same duties as are herein before provided in the case of heirs or devisees: *Provided never-*

theless, That any party or parties who shall think themselves ag- Proviso.
grieved by such re-assessment, may require the commissioner to go
again on the land with such persons as the parties or their repre-
sentatives may choose, there being only one person for each differ-
ent parcel of land, who may review the commissioner's valuation,
and if they or a majority of them agree, their valuation shall be
final, but if divided, the valuers may call in an umpire whose opi-
nion shall be final. And the commissioner shall charge the same
in his book so as he make it correspond with the decision of such
referees or umpire.

3. The person or persons making application to the commissioner Commissioner's
for such purpose, shall pay to him fifty cents for each parcel of land fee.
by him so valued and re-assessed.

4. This act shall commence and be in force from the passing Enacting clause.
thereof.

CHAP. 7.—An ACT to prevent obstructions to the navigation of the Little
Kenawha.

(Passed December 21, 1800.)

1. *Be it enacted by the general assembly*, That it shall not be Penalty for placing
lawful for any person or persons to place or put directly or indirect- obstructions in the
ly, in the Little Kenawha river, any obstruction whatsoever to the river.
navigation thereof, between its confluence with the Ohio, and a
place on the said Kenawha river, commonly called and known by
the name of Bulltown, in the county of Harrison; and if any per-
son shall presume to place or put any such obstruction between the
places aforesaid in the said river, he or they shall, for every such
offence, forfeit and pay the sum of twenty dollars for every day such
obstruction remains in the said river, to be recovered by action of
debt in any court of record in this commonwealth, with costs, and Application of the
applied one moiety to the use of the informer, and the other moiety fine.
to be applied by the court of that county in which the recovery
shall be had towards removing such obstructions and improving the
navigation of the said river.

2. This act shall commence and be in force from and after the Enacting clause.
first day of April next.

CHAP. 8.—An ACT to establish an inspection of flour at Mead Anderson's
mill, in the county of Halifax.

(Passed December 24, 1800.)

1. *Be it enacted by the general assembly*, That an inspection of Inspection estab-
flour shall be, and the same is hereby established at Mead Ander- lished under the
son's mill in the county of Halifax, under the like rules and regu- rules prescribed
lations as prescribed by law for other inspections of flour in this for other inspec-
commonwealth. tions.

2. This act shall commence and be in force from and after the Enacting clause.
passing thereof.

CHAP. 9.—An ACT to increase the salary of inspectors of tobacco at Dixon's
warehouse.

[Passed December 24, 1800.]

Whereas it hath been represented to this present general assem- Preamble.
bly, that the salaries allowed by law to the inspectors of tobacco at
Dixon's warehouse in the town of Falmouth, are inadequate to their
services:

333 dollars and
33 cents salary to
each of the in-
spectors.

Proviso.

Enacting clause.

1. *Be it therefore enacted*, That instead of the former allowance, there shall be allowed and paid annually to each of the inspectors of tobacco, at Dixon's warehouse, three hundred and thirty-three dollars, and thirty-three and one third cents, for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouse shall not be sufficient to pay the usual charges and inspectors' salaries, the deficiency shall not be paid by the public.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 10.—An ACT for increasing the powers of the trustees of the town of Franklin, in the county of Pendleton.

(Passed December 25, 1800.)

Powers of trustees
extended to cer-
tain subjects.

1. *Be it enacted by the general assembly*, That the trustees of the town of Franklin, in the county of Pendleton, and their successors or a majority of them, shall be and they are hereby authorized and empowered, to make and establish such by-laws, rules and regulations, not contrary to the laws or constitution of this state, as they may think necessary for protecting property in the said town, against accidents by fire; for preventing hogs from running at large in the said town; to prohibit the practice of galloping and running horses in the streets and alleys thereof; and for preserving in all other respects, good order in the said town.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 11.—An ACT to establish an inspection of tobacco on the lands of John Brooks, in the county of Campbell.

(Passed December 25, 1800.)

Inspection estab-
lished.

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and is hereby established on the land of John Brooks, on Staunton river, in the county of Campbell, to be called and known by the name of Brooks's warehouse.

Salary of the in-
spectors.

2. There shall be allowed and paid annually to each of the inspectors at Brooks's warehouse, the sum of one hundred dollars, for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouse shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiencies shall not be paid by the public.

Duty on tobacco
inspected.

3. The duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner as is directed and prescribed by law for other tobacco inspections.

By whom the
buildings shall be
erected.

4. The said John Brooks shall erect at his own expense sufficient houses for the reception of tobacco, and so soon as the same shall be completed, the court of the said county of Campbell, shall recommend fit persons to be commissioned inspectors thereof.

Notes not a lawful
tender for any pre-
vious contract.

5. No person shall be obliged to receive any notes for tobacco passed at the warehouse hereby established, in discharge of any tobacco contract heretofore entered into.

Enacting clause.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 12.—An ACT to regulate costs in certain cases.

(Passed December 25, 1800.)

1. *Be it enacted by the general assembly,* That any officer who shall levy distress for rent, shall be entitled in case the property be replevied, to the same commissions as in case of a forthcoming bond taken under any writ of execution for the like sum, and may include such commission in every bond taken under such distress. And in all cases where the county or corporation courts are authorized to render judgments or award of execution upon motions, fifty cents shall be taxed in the bill of costs for each notice proven to have been delivered in case the plaintiff or plaintiffs succeed. And it shall be the duty of the sheriff or other officer to give notices upon the bonds aforesaid in every case if required by the plaintiff or plaintiffs, his or their agent or attorney.

Fee to officer when the property is replevied.

Fee for notice.

2. This act shall commence and be in force from and after the passing thereof.

Enacting clause.

CHAP. 13.—An ACT to amend the act to authorize the opening a turnpike road over the South mountain.

(Passed December 26, 1800.)

Whereas by an act of the last session of assembly, intituled, *Preamble.*
"An act to authorize the opening a turnpike road over the South mountain," commissioners were appointed to let to the lowest bidder the opening of the said road, which when completed agreeably to contract, authorized the undertaker thereof to demand and receive certain tolls, but no provision having been made in the said law for the descent or transfer of the right of said tolls, as in justice ought to have been made:

1. *Be it therefore enacted,* That whensoever the said road shall be completed pursuant to the aforesaid recited act, the right to demand and receive the tolls arising from the said turnpike road, shall be and is hereby vested in the undertaker thereof, and his heirs or assigns.

Fee simple right to the tolls vested in the undertaker.

2. This act shall commence and be in force from and after the passing thereof.

Enacting clause.

CHAP. 14.—An ACT to incorporate the trustees of Jefferson college, in the county of Amelia.

(Passed December 26, 1800.)

1. *Be it enacted by the general assembly,* That William Meriwether, John Archer, Peterfield Archer, Daniel Hardyway, John Burke, David Meade, Everard Meade, sen., James Henderson, Bennet Brown, Joshua Chaffin, Thomas Randolph, John Royal, John Randolph, jun., William Daniel, James Jones, M. D., Peter Randolph, John Shore, Joseph Jones, Thomas Read, sen., and John H. Foushee, gentlemen, shall be, and they are hereby constituted a body politic and corporate by the name of The Trustees of Jefferson College, in the County of Amelia, and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity.

Certain trustees incorporated.

2. The said trustees and their successors by the name aforesaid, shall be capable in law to purchase, receive and hold any lands, tenements, rents, goods or chattels which shall be given, conveyed or devised to them for the use of the said college, and to sell, rent,

Power to purchase and dispose of property for the use of the academy.

or dispose of the same in such manner as to them shall seem most beneficial to the said college.

Power to make by-laws, &c.

3. The said trustees or any five of them shall have power from time to time to make and establish such by-laws, rules and ordinances not contrary to the laws and constitution of this commonwealth as they shall judge necessary and proper, for the good government of the said college, and to appoint a president, secretary, tutors and treasurer, the last of whom shall receive all monies accruing to the said college, and property delivered to his care, and pay or deliver the same to the order of the said trustees. The said treasurer before he enters upon the duties of his office shall give bond and security in such sum as the said trustees shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him, and that he will when required by the said trustees render true and just account of all monies, goods and chattels received by him on account of, and for the use of the said college.

Treasurer's salary, and penalty for failing to account to the trustees.

4. The said treasurer shall receive such salary as may be allowed by the trustees, and if he fails to render when required, a just and true account of monies, goods and chattels which have come to his hands by virtue of his office, it shall be lawful for the said trustees to obtain judgment for the amount or value thereof, by motion in any court of record in this commonwealth, against the said treasurer, and his securities or any one of them, his or their executors or administrators; and execution shall thereupon issue in like manner as is by law directed against sheriffs for the non-payment of public taxes: *Provided however*, That ten days previous notice shall be given of every such motion.

Power of trustees to receive and enforce subscriptions.

5. The said trustees shall have power to take and receive subscriptions to the use and for the benefit of the said college; and in case any person shall fail to comply with his or her subscription, to enforce the payment thereof by warrant before a magistrate where the sum subscribed shall not exceed five dollars, and where it shall exceed that sum, by motion to the court of the county where the delinquent subscriber resides, ten days previous notice being given.

Five of them sufficient to do business.

Any five of the said trustees shall be a sufficient number to constitute a board for doing any thing by this act authorized and required.

In case of the death, resignation or other legal disability of any of the trustees herein named, the vacancy thereby occasioned shall be supplied by the remaining trustees.

Enacting clause.

6. This act shall commence in force from the passing thereof.

CHAP. 15.—An ACT concerning the town of Watson, in the county of Hampshire.

(Passed December 27, 1800.)

Additional trustees appointed, with the powers of those originally appointed.

1. *Be it enacted by the general assembly*, That in addition to the trustees heretofore appointed for the town of Watson, in the county of Hampshire, Andrew Woodrow, James Singleton, John Little, Stephen Pritchard, Moses Russell, Henry Beatty, John Croudson, and Thomas Vowell, gentlemen, shall be, and they are hereby constituted and appointed trustees of the said town, who shall have the same power and authority in all respects, as the trustees formerly appointed have by law. Any five of the trustees of the said town shall be, and they are hereby authorized and empowered to make

Five of them sufficient to act.

and establish such by-laws, rules and regulations, not contrary to the laws and constitution of this state, as they may think necessary for the good of the said town, and particularly the lot whereon the bath is situated, and shall and may make and execute deeds of conveyance as well for those lots which have been; as those which may hereafter be sold in the said town in pursuance of the act of assembly establishing the said town.

2. This act shall commence in force from the passing thereof. Enacting clause.

CHAP. 16.—An ACT concerning the town of Lexington, in the county of Rockbridge.

(Passed December 29, 1800.)

1. *Be it enacted by the general assembly*, That thirteen trustees shall be appointed for the town of Lexington, in the county of Rockbridge, in manner following, viz: The sheriff of the county of Rockbridge shall notify the freeholders and housekeepers in said town, in such manner as he may think best, requiring them to appear at the courthouse on a certain day, not less than ten days thence next following, then and there to elect the said trustees. The said sheriff shall attend and take the poll at such election, entering the names of the persons voted for in a distinct column, and the names of every freeholder and housekeeper giving his vote under the name of the person he votes for; and in case more than thirteen persons should be voted for as trustees, and several have an equal number of votes, so as to make it uncertain who should be elected, the sheriff shall give his vote, close the poll, and return the same to the next court to be held for his said county, upon oath, certifying the names of the persons so elected, to be by the clerk recorded; and the said court shall have power to determine any disputes that may happen as to the said election. And the said trustees and their successors, or a majority of them, being present, are hereby authorized and empowered to open the streets in the said town agreeably to the original plan thereof, to open the streets and alleys in that part added to the said town by an act of assembly, intituled, "*An act for adding certain lots to the town of Lexington*," to determine all disputes concerning the bounds of the said lots, which shall be final unless controverted at law within five years after such determination, saving to infants, *femes covert*, persons *non compos mentis*, imprisoned or beyond sea, their rights respectively, which are not to be affected hereby until five years shall elapse, after their several disabilities are removed; to keep the streets and alleys in repair; to erect a market house, and keep the same in repair; to keep the public springs in good order; to remove nuisances and obstructions in the said streets and alleys, at the expense of those who occasioned them; to appoint a clerk who shall enter their proceedings of record, and to allow him such salary as they may judge reasonable; to levy a tax annually not exceeding one hundred and fifty dollars on the tithables and property real and personal within the said town, for carrying into effect all or any of the powers hereby given them; to make provision and the necessary regulations for collecting and accounting for the taxes so imposed, by appointing a collector and directing distress to be made for delinquencies. The said trustees, or a majority of them, shall from time to time assemble at some convenient place within the said town, and when so assembled, shall have power to form and establish such

Manner in which the trustees shall be appointed.

Powers of the trustees.

by-laws, rules and regulations, not contrary to the laws and constitution of this state, or of the United States, as they shall think proper and effectual, for carrying the powers vested in them by this act into full effect; such by-laws and rules, as well as other proceedings, together with a fair statement of their receipts and disbursements, shall be entered in a book or books to be provided and kept for that purpose, to which the said trustees shall affix their names; and such books shall be open at all times for the inspection of any person: *Provided always, and be it further enacted*, That every trustee of the said town shall, previous to executing any of the duties prescribed by this act, make oath or affirmation before a justice of the peace for the said county of Rockbridge, "that he will faithfully and impartially perform the duty of a trustee pursuant to this act."

Proviso.

Mode of proceeding to remove combustible matter.

2. *And be it further enacted*, That if any fire or combustible shall be put in any house, wooden chimney, or other place in the said town so as thereby to endanger the loss of property in the opinion of the said trustees, they shall require the person owning or possessing the lot, or that occasioned the fire or combustible to be so placed, to remove the same; and on failure so to do, he or they shall be liable to pay such fine (for every day the fire or combustible shall remain) as the said trustees, or a majority of them, shall impose: *Provided always*, That the said trustees shall not have power to impose any fine exceeding five dollars.

How vacancies shall be supplied.

3. *And be it further enacted*, That upon the death, removal out of the county, or refusal to act of any one or more of the said trustees, such vacancy, so often as the same shall happen, shall be supplied in manner following, that is to say; the surviving trustees, or one of them, shall give immediate notice of such vacancy to the sheriff of the county of Rockbridge, who within twenty days thereafter shall give notice, hold an election, and make return, which the clerk shall record as in manner aforesaid, to supply such vacancy. Every person so elected shall to all intents and purposes be a trustee of the said town of Lexington.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 17.—An ACT for establishing the town of Fairfield, in the county of Rockbridge.

(Passed December 24, 1800.)

Fairfield town established.

1. *Be it enacted by the general assembly*, That the lots and streets as the same are already laid off on the lands formerly the property of Charles M'Alister, in the county of Rockbridge, shall be, and are hereby established a town by the name of Fairfield, and Samuel Keys, John M'Clung, Samuel Paxton, Samuel Moore, Isaac Robinson, James M'Dowell, and Andrew Scott, gentlemen, constituted and appointed trustees thereof, who, or a majority of them, are empowered to make such rules and regulations for the regular building of houses in the said town, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the said lots.

Enacting clause.

2. This act shall commence in force from the passing thereof.

CHAP. 18.—An ACT for adding part of the county of Kenawha to the county of Wood.

(Passed December 30, 1800.)

1. *Be it enacted by the general assembly*, That all that part of the county of Kenawha, within the following bounds, to wit: beginning at the mouth of Devil hole creek, otherwise called Pleasant river, thence eastwardly parallel with the line at present dividing the counties of Kenawha and Wood, until the back or eastern line of the county of Wood being extended, would intersect the same, shall be, and it is hereby added to and made a part of the said county of Wood. Certain part of Kenawha county made part of Wood county.

2. It shall be lawful for the sheriff of the said county of Kenawha to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants of that part of the said county hereby added to the county of Wood, and shall be accountable for the same in like manner as if this act had not been made. Powers of the sheriff of Kenawha.

3. So much of any act as comes within the meaning of this act, is hereby repealed. Repealing clause.

4. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 19.—An ACT to establish an inspection of flour on the lands of Thomas M. Randolph.

(Passed December 20, 1800.)

1. *Be it enacted by the general assembly*, That an inspection of flour shall be established on the lands of Thomas M. Randolph, lying on the north bank of the Rivanna river, opposite to the town of Milton, in the county of Albemarle. Inspection established.

2. The court of the said county of Albemarle, shall appoint an inspector of flour at the said place to be under the like rules, regulations, penalties and forfeitures, and recoverable in the same manner as directed and prescribed by law for other inspections of flour. Court of the county to appoint an inspector.

3. This act to commence and be in force from and after the passing thereof. Enact. clause.

CHAP. 20.—An ACT to authorize Robert Watkins to build a toll bridge over Appomattox river.

(Passed December 30, 1800.)

1. *Be it enacted by the general assembly*, That it shall be lawful for Robert Watkins, his heirs and assigns, to erect a bridge from his land in the county of Chesterfield, commonly called and known by the name of Archer's hill, across Appomattox, and abut the same to the lot of land, the property of James Durell, lying between the river and Old street, in the town of Petersburg. The erection of the bridge authorized.

2. So soon as the said bridge shall be completed, it shall be lawful for the said Robert Watkins, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man three cents, and for a horse the same; for every coach, chariot, four wheel chaise or waggon and the driver thereof, the same as for six horses; for every cart, two wheel chaise or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of nett cattle, as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage for one horse, and for every hog, one fourth part of

the ferrriage for one horse, and no more, until the legislature shall again think proper to regulate the said tolls.

Penalty for demanding more than the legal tolls.

3. If the collector of tolls at the said place shall demand and receive from any person greater rates than are hereby allowed, for the passage of every thing, he shall for every such offence forfeit and pay to the party grieved, the tolls demanded and received, and two dollars, to be recovered before a justice of the peace, in the county of Chesterfield, or in the town of Petersburg.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 21.—An ACT to establish an inspection of tobacco on the lands of Thomas M. Randolph, in the county of Albemarle.

(Passed December 31, 1800.)

Inspection established under the same inspection with that of Milton.

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and the same is hereby established on the lands of Thomas M. Randolph, on the north bank of the Rivanna river, opposite the town of Milton, in the county of Albemarle, the proprietor whereof shall build sufficient houses at his own expense, to be called and known by the name of Randolph's warehouse, to be under the same inspection with that in the said town of Milton.

Additional allowance to the Milton inspectors.

2. That instead of the allowance heretofore made to the inspectors at Henderson's warehouse, in the town of Milton, there shall be allowed and paid annually to each of the inspectors at Henderson's and Randolph's warehouses, under one inspection, the sum of two hundred dollars for their salaries.

Duties of the inspectors at Randolph's warehouse.

3. The inspectors at Randolph's warehouse, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name, which tobacco, when delivered to a waggon, shall be by the driver thereof delivered, with the manifest to the inspectors, at any of the warehouses in the city of Richmond, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required.

Duties of the inspectors at Richmond, relative to tobacco transported from Randolph's warehouse.

4. The inspectors at the warehouses in the city of Richmond, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco; and the inspectors at each of the warehouses in the city of Richmond, shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco relanded from board any vessel, and be appropriated in like manner as the tax or rent of such relanded tobacco is by law directed.

Impost and duty the same as at other inspections.

5. The impost and duty on tobacco inspected at Randolph's warehouse, shall be the same, and collected, accounted for, and paid in like manner as is directed and prescribed by law for other tobacco inspections, except where it is otherwise directed by this act.

6. If the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public. Public not liable for deficiency.

7. No person shall be obliged to receive any notes for tobacco passed at Randolph's warehouse, in discharge of any tobacco contract heretofore entered into. Notes not a legal tender in discharge of previous contracts.

8. This act to commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 22.—An ACT to establish an academy, on the glebe land of Martin's Brandon parish, in the county of Prince George,

(Passed January 2, 1801.)

Whereas it hath been represented to this present general assembly, that the parish of Martin's Brandon, in the county of Prince George, has been for some time without a minister of the episcopal church, and that it would be of great advantage to the inhabitants thereof, to vest the glebe land belonging to the said parish, in trustees for the purpose of establishing a seminary of learning thereon: Preamble.

1. *Be it therefore enacted*, That Benjamin Harrison, James S. Gilliam, John Shore, Isaac Hall, Wm. Cole, John Philips, Geo. K. Taylor, Geo. Ruffin, Peter Woodlief, John P. Cocke, Thomas Cocke, James Cocke, James Cureton, Archibald Epes, Wm. S. Peachy, Benj. Harrison, (of Brandon) Carter B. Harrison, William Harrison, William Glover, William H. Avery, and Richard Bland, gentlemen, shall be, and they are hereby constituted a body politic and corporate by the name of The Trustees of Burr Academy, and by that name shall have perpetual succession, and may sue and be sued, and have a common seal, with power to take and hold any estate, real or personal, for the use of the said academy. Trustees appointed and incorporated.

2. *And be it further enacted*, That the glebe land, in the parish of Martin's Brandon, and county of Prince George, shall be, and the same is hereby vested in the said trustees and their successors, to and for the sole use and purpose of establishing the said academy thereon. Glebe land vested in the trustees.

3. A majority of the said trustees shall be a sufficient number to constitute a board, and shall and may have power to appoint a president, tutors, secretary and treasurer, and to make and establish from time to time, such by-laws, rules and regulations not contrary to the laws and constitution of this state, as they may judge best for the benefit of the said academy. A majority of the trustees sufficient to constitute a board.

4. The said trustees shall have power to open and receive subscriptions for the use of the said academy and enforce the payment thereof by suit, on failure or refusal to pay the money so subscribed. Trustees authorized to open subscriptions.

5. In case of the death or removal to the distance of twenty-five miles from the said academy, resignation or other legal disability of any of the said trustees, such vacancy shall and may be supplied by the remaining trustees or a majority of them. How vacancies shall be filled.

6. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 23.—An ACT for erecting warehouses on the James river and Appomattox canals.

(Passed January 2, 1801.)

Executive authorized to purchase lots for the erection of the warehouses.

Description of the houses.

How to be paid for.

Proviso.

Executive authorized to appoint superintendents.

How vacancies shall be filled.

Salaries of the superintendents.

Duties of the superintendents.

1. *Be it enacted by the general assembly*, That the executive of this commonwealth, shall be and they are hereby empowered and required to purchase for the use of the state, one acre of land in or near the city of Richmond and as near or contiguous to the James river canal as circumstances and convenience will admit; and also one other acre of land in or adjoining the town of Petersburg, and as near or contiguous to the Appomattox canal, as circumstances and convenience will admit; and on each acre of land so purchased, the executive shall cause to be erected one or more strong and secure warehouses, of brick or stone, to be covered with slate or tile, as will be sufficient to receive and store, that is to say, the one in or near the city of Richmond, twelve hundred hogsheads of tobacco, inspected at the upland warehouses of this state; and the other in or near the town of Petersburg, as will receive and store six hundred hogsheads of tobacco; and for defraying the expenses of purchasing the lands and erecting and completing the said warehouses; the executive shall direct the auditor of public accounts to issue warrants on the treasurer from time to time, who shall pay the same out of the surplus duty arising on tobacco exported and accruing from and after the thirtieth day of September last: *Provided*, That no lot shall be purchased in the town of Petersburg until the Appomattox canal shall be traced into the said town.

2. So soon as the said warehouses or any of them shall be completed and ready to receive tobacco on storage, the executive are hereby authorized and required to appoint one or two superintendents for each warehouse, and the person or persons so appointed, shall enter into bond with sufficient security, in the penalty of twenty thousand dollars, payable to the governor of this commonwealth, and his successors, for the time being, with condition for the faithful discharge of the duties required of him by this act; and shall moreover take an oath before the executive, "that he will truly and faithfully execute the duties of his office, pursuant to this act, according to the best of his skill and judgment." And in case of the death, resignation, refusal or disability to act of either or any of the said superintendents, the vacancy so produced shall be supplied in the same manner as the original appointment was made.

3. Each superintendant shall be allowed and paid annually, the sum of three hundred dollars for his salary, to be paid out of the surplus fund arising from the duty on tobacco exported.

4. It shall be the duty of the superintendents to receive and store such tobacco as shall be inspected and brought from the upland warehouses, in case there be room for the same, and deliver it for exportation when demanded, in manner as prescribed by law for tobacco inspections, receiving for each hogshead previous to the delivery thereof, the sum of fifty cents for storage, to be accounted for and paid in like manner, and subject to the same penalty and recovery as prescribed by law for inspectors relative to duty on tobacco. The superintendents shall respectively reside contiguous to the warehouse, and attend the same from eight o'clock in the morning until four in the evening, during the months of April, May, June, July, August and September; and from nine o'clock in the morning until four in the evening, during the other months in

each year, and be subject to the same remedies, penalties, forfeitures and incapacities that inspectors of tobacco are by law liable to for the misfeasance, nonfeasance and malfeasance in office.

5. The tobacco to be stored pursuant to this act, shall be held under the same regulations and conditions, (excepting the storage and duty) as the tobacco received and inspected at the different warehouses in this state. Terms of storage of tobacco.

6. The superintendants shall keep books of the receipt and delivery of all tobacco stored in their respective warehouses, and note in the said books the state and condition of each hogshead, and those marked in good order shall be delivered in the like good order to the proprietors. Books to state the order of the tobacco at its delivery.

7. The superintendants shall respectively keep sufficient number of hands to store and deliver the tobacco received into the warehouses, and put into good order such hogsheads as are noted in their books to be received in bad order; and for so doing, they shall be allowed twenty-five cents for each hogshead, to be paid by the proprietor before or at the delivery thereof; and to prevent disputes respecting the place of delivery: Superintendants to keep a sufficient number of hands.

8. *Be it enacted*, That the tobacco shall be delivered by the superintendants convenient to the door opening next to the public road or street. When the tobacco shall be delivered.

9. *And be it further enacted*, That whenever it shall happen that whenever the inspectors of any of the warehouses of Petersburg or Richmond, shall inspect more tobacco than their warehouses can contain, the said surplus tobacco, shall and may be stored in the said store houses, according to the terms of this act. Provision for the storage of surplus tobacco.

10. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 24.—An ACT to establish several new ferries.

[Passed January 5, 1801.]

1. *Be it enacted by the general assembly*, That ferries be constantly kept at the places hereafter mentioned, and at the rates annexed to each ferry, that is to say: from the land of Nathaniel Davidson, in the county of Harrison, across the mouth of Elk creek, and the west fork near Clarksburg, to the lands of William Berkeley and Edward M'Carty, on the opposite shores, the price for a man four cents, and for a horse the same; from Shirley to City Point, the price for a man thirty-seven cents, and for a horse the same; from City Point to Shirley and to Bermuda Hundred, the price for a man thirty-seven cents, and for a horse the same; from the land of Joshua Hurd, across Ohio river, to the opposite shore, the price for a man eight and one third cents, and for a horse the same; from the land of Stephen Tease, in the county of Kenawha, across Kenawha river, to the lands of Fry and others; and from his land across Coal river, to the land of Martha Washington, on the opposite shore, the price for a man six cents, and for a horse the same; from the land of David Mraney, held under a lease from Denney Fairfax, across Shenandoah river, to the lands of Robert Carter, the price for a man five cents, and for a horse the same; from the land of Benjamin Kendrick, across the south branch of Shenandoah river, to the lands of Christopher Stover, on the opposite shore, the price for a man five cents, and for a horse the same; and from the land of Samuel Pugh, in the county of Wood, across Ferries and rates of ferriage established. Davidson's ferry. City Point ferry. Hurd's ferry. Tease's ferry. Mainey's ferry. Kendrick's ferry. Pugh's ferry.

Ohio river, to the land of Isaac Mixer, on the opposite shore, the price for a man eight cents, and for a horse the same; the transportation of the following things shall be at the rates following: for every coach, chariot, waggon and the driver, the same as for six horses; for every four wheeled chaise, phaeton and driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of nett cattle, the same as for one horse; for every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse.

Penalty for demanding greater rates than are hereby allowed.

2. If the keeper of any of the said ferries shall demand and take from any person greater rates for the ferriage than are hereby allowed, such offender shall forfeit and pay to the party grieved the ferriage demanded and received, and two dollars for every such offence, recoverable by warrant.

Enacting clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 25.—An ACT to revive the inspection of tobacco at Totuskey warehouses in the county of Richmond.

(Passed January 6, 1801.)

Totuskey inspections revived under the rules of other tobacco inspections.

Proviso.

1. *Be it enacted by the general assembly*, That the inspection of tobacco at the warehouses on Totuskey creek, in the county of Richmond, shall be, and the same is hereby revived and established under the like rules and regulations as prescribed by law for other tobacco inspections: *Provided always, and be it further enacted*, That if the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges and the inspectors' salaries of one hundred dollars each annually, the deficiency shall not be paid by the public.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 26.—An ACT to increase the salaries of the inspectors at Deane's and Spring warehouses.

(Passed January 6, 1801.)

Preamble.

Whereas it hath been represented, that the salaries allowed to the inspectors of tobacco at Deane's and Spring warehouses are inadequate to their services:

Two hundred dollars allowed to each of the inspectors.

Proviso.

1. *Be it therefore enacted by the general assembly*, That instead of the former allowance there shall be paid to each of the inspectors at Deane's warehouse, the sum of two hundred dollars annually; and to each of the inspectors at Spring warehouse, in the town of Lynchburg, the sum of two hundred dollars annually, for their salaries: *Provided always*, That if the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges and inspectors' salaries, the deficiency shall not be paid by the public.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 27.—An ACT to authorize William Colley to build a toll bridge over Smith's creek, near the borough of Norfolk.

(Passed January 6, 1801.)

1. *Be it enacted by the general assembly*, That it shall be lawful for William Colley, his heirs and assigns, to erect a bridge from his land over Smith's creek, otherwise called Glebe creek, and abut the same on the land at the termination of York street, in the borough of Norfolk. Erection of the bridge authorized.

2. The bridge so to be erected shall be at least twelve feet broad, shall be so constructed to have a draw bridge over the channel of the said creek so as not to interrupt the passage of fish, or the navigation of such vessels and boats as may now navigate the same, and shall be completed within two years from the passing of this act. Description of the bridge.
Provided always, That the right and privilege hereby granted to the said William Colley, his heirs and assigns, shall cease and expire unless the said bridge shall be constructed in the manner and within the time herein before mentioned, and also in case the said bridge shall be impassable after it is erected, for one year at any one period. Proviso.

3. So soon as the said bridge shall be erected, the court of the borough of Norfolk, shall and may ascertain and fix the rates or tolls to be paid for the passage thereof, and to regulate the same from time to time; and the said William Colley, his heirs and assigns, shall have power and authority to demand and receive the tolls or rates so ascertained. Court of the borough of Norfolk to fix the rates.

4. If the collector of the tolls shall demand and receive greater rates than shall be allowed as aforesaid, the said collector and the said William Colley, his heirs and assigns, shall forfeit and pay to the party injured, the tolls demanded and received and two dollars, to be recovered with costs by warrant. Penalty for demanding more than legal tolls.

5. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 28.—An ACT for altering the court days and quarterly sessions in certain counties.

[Passed January 7, 1801.]

1. *Be it enacted by the general assembly*, That from and after the first day of April next, a court for the county of Brooke, shall be held on the last Monday in every month; that a court for the county of Hanover, shall be held on the fourth Wednesday in every month; and that a court for the county of Wood, shall be held on the first Monday in every month, instead of the days now appointed by law for holding courts in the said counties respectively. And that a court of quarterly session, for the county of Monroe and said county of Wood, shall be held in the month of June instead of the month of May in every year. And that a court for the county of Tazewell, shall be held on the Thursday succeeding the second Tuesday in every month; and that the quarterly terms for the county of Tazewell, shall be held in the months of March, May, August and October. Court days of Brooke, Hanover and Wood counties altered.

2. This act shall commence and be in force from and after the first day of April, one thousand eight hundred and one. Quarterly term of Monroe altered.
Court days of Tazewell.
Enacting clause.

CHAP. 29.—An ACT authorizing the trustees of the charity school of Fredericksburg, to sell and convey certain property therein mentioned.

[Passed January 7, 1801.]

Trustees of the charity school of Fredericksburg authorized to sell the property.

1. *Be it enacted by the general assembly*, That the trustees of the charity school of Fredericksburg and their successors shall be, and they are hereby authorized and empowered to sell, and by deed or deeds convey in fee simple, all the property, real and personal, which formerly belonged to the trustees of the Fredericksburg academy, and which by an act passed at the last session of assembly was transferred and vested in the trustees of the said charity school; and the money arising by such sale, the trustees of the said charity school, and their successors, are hereby authorized to apply and appropriate in such manner as they may think best for the benefit and advantage of the said school.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 30.—An ACT to establish several towns.

(Passed January 8, 1801.)

Town of Greenville established.

1. *Be it enacted by the general assembly*, That thirty-eight lots of land the property of Thomas Steel, and sixteen lots of land, the property of John Burk, in the county of Augusta, as the same have been laid off, with streets and alleys, shall be established a town by the name of Greenville, and that William Steel, Samuel Finley, Adam Hop, Thomas Lyons, Hugh Tolbert, James Mitchel and John Sholts, gentlemen, shall be, and they are hereby constituted trustees thereof.

Trustees.

Jeffersonville established.

2. That the lots and streets as laid off on the lands granted by William Peery and Samuel Ferguson to the county of Tazewell, whereon the public buildings are erected shall be established a town by the name of Jeffersonville, and that Thomas Witton, William George, James Witton, William Cecil, Robert Whitley, James Thomson and John Crockett, gentlemen, shall be, and they are hereby constituted trustees thereof.

Trustees.

Waynesborough established.

3. That the lands of James Flack and Samuel Estill, as laid off into lots and streets near the South river, in the county of Augusta, shall be established a town by the name of Waynesborough, and that James Flack, William Patrick, Claudius Bustard, Robert Stuart, James Steel, Andrew Fulton and William White, gentlemen, shall be and they are hereby constituted trustees thereof.

Trustees.

Williamsport established.

4. That the land of David Prunty, as the same is laid off into lots and streets at the place called the cross roads in the county of Harrison, shall be established a town, by the name of Williamsport, and that Robert Plummer, James Cockran, John Asberry, Peter Johnston and Vincent Leek, gentlemen, shall be and they are hereby constituted trustees thereof.

Trustees.

Waterford established.

5. That the lots and streets, as the same are already laid off, at the place known by the name of Waterford, in the county of Loudoun, shall be established a town by the name of Waterford, and that James Moore, James Griffith, John Williams and Abner Williams, gentlemen, shall be and they are hereby constituted trustees thereof.

Trustees.

North Milton established.

6. That fifty acres of land, the property of Thomas M. Randolph, lying on the north bank of the Rivanna river opposite the town of Milton, so soon as the same shall be laid off into lots of

half an acre each, with convenient streets, shall be established a town by the name of North Milton; and that Francis Walker, John Watson, David Higginbotham, William Bache, William D. Meriwether Hore, B. Trist, Edward Moore, George Divers, James Barbour and Edward Garland, gentlemen, shall be and they are hereby constituted trustees thereof.

7. *And be it further enacted*, That so soon as Mahlon Janney and William Hough, shall lay off into lots with convenient streets, so much of their lands not exceeding ten acres adjoining the said town of Waterford, the same shall thenceforth constitute and be deemed and taken as a part of the said town. An addition to Waterford authorized.

8. The trustees of the said towns respectively or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the said lots. Powers of the trustees.

9. So soon as the purchasers of lots in the said towns shall have built thereon, according to the condition of their respective deeds of conveyance, they shall then be entitled to, and have and enjoy all the rights, privileges and immunities, which the freeholders and inhabitants of other towns in this state not incorporated, hold and enjoy. When the purchasers shall be entitled to the rights of freeholders.

10. In case of the death, resignation or removal out of the county of any of the said trustees, it shall be lawful for the remaining trustees of the town or a majority of them to supply such vacancy, and the persons so elected, shall have the same power as if they had been particularly named in this act. How vacancies shall be filled.

11. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 31.—An ACT for dividing the county of Berkeley.

(Passed January 8, 1801.)

1. *Be it enacted by the general assembly*, That from and after the twenty-sixth day of October next, all that part of the county of Berkeley, lying eastwardly of a line beginning at Opeckon creek in the Frederick line, thence with the said creek to the bend immediately below Wallingsford's tavern, thence running a direct line to Wyncoop's spring on the public road leading from Martinsburg to Shepherdstown, and thence with the meanders of the spring run to its confluence with the Potowmac, shall form one distinct county, and be called and known by the name of Jefferson county. Dividing line.

2. A court for the said county of Jefferson, shall be held by the justices thereof, on the second Tuesday in every month, after the same shall take place in like manner as is provided by law for other counties, and shall be by their commissions directed. Court day of Jefferson county established.

3. The justices to be named in the commission of the peace for the said county of Jefferson, shall meet at the house of Basil Williamson, in Charlestown, in the said county, upon the first court day after the said county takes place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken the bond of the sheriff according to law, proceed to appoint and qualify a clerk, and to erect the necessary public buildings on the most convenient part of the public ground in Charlestown for holding courts, and until such buildings be completed, to appoint any When and where the justices shall meet and proceed to business.

Proviso.

place within the said town for holding courts, as they shall think proper: *Provided always*, That the appointment of a clerk shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending, by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court day, when a majority shall be present.

Powers of the sheriff of Berkeley county.

4. It shall be lawful for the sheriff of the county of Berkeley to collect and make distress for any public dues, or officers' fees, which shall remain unpaid by the inhabitants of the said county of Jefferson, at the time it shall take place, and shall be accountable for the same, in like manner as if this act had not been made.

Governor and council to appoint the first sheriff.

5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Jefferson, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

Jurisdiction of the court.

6. The court of the said county of Berkeley shall have jurisdiction of all actions and suits depending before them at the time the said county of Jefferson takes place, and shall try and determine the same, and award execution thereon.

To what districts Jefferson county shall be attached.

7. The said county of Jefferson shall remain in the same district with the county of Berkeley, for which district courts are holden at Winchester, and be of the same brigade district, in like manner as if this act had never been made. In future elections of a senator, an elector, and of a representative in congress, the said county of Jefferson shall be of the same district as the said county of Berkeley.

Enacting clause.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 32.—An ACT to increase the rates of ferriage at certain places.

[Passed January 14, 1801.]

Rates increased.

1. *Be it enacted by the general assembly*, That instead of the rates heretofore allowed by law, at the ferries hereafter mentioned, the rates of ferriage shall be as followeth, that is to say: from the land belonging to Edloe's estate, lying in the county of Charles City, across Chickahominy river, at the place commonly called Edloe's ferry, the price for a man twelve and an half cents, and for a horse the same. From the land of John D. Watkins, in New Kent, across Pamunkey river, to the land of James Smith, in King William, and from the latter to the former, the price for a man twelve and an half cents, and for a horse the same. From York town to Gloucester town, the price for a man nineteen cents, and for a horse the same. The transportation of the following things shall be at the rates following: For every coach, waggon, chariot and the driver, the same as for six horses. For every four wheeled chaise, phaeton and driver, the same as for four horses. For every two wheeled riding carriage, the same as for two horses. For every hogshead of tobacco, the same as for one horse. For every head of neat cattle the same as for one horse. For every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse. If the ferry keeper at any of the said places shall demand and take from any person greater rates than are hereby allowed, such offender shall forfeit and pay to the party grieved the ferriage demanded and received, and two dollars, recoverable by warrant.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 33.—An ACT giving further time to owners of lots in the town of Jonesville, in the county of Lee, to build thereon.

(Passed January 14, 1801.)

1. *Be it enacted by the general assembly*, That the farther time of two years, to be computed from the first day of May next, be allowed to the owners of lots in the town of Jonesville, in the county of Lee, to build thereon; any law to the contrary hereof notwithstanding. Further time allowed

2. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 34.—An ACT to purchase Pharoah and Tom.

(Passed January 14, 1801.)

Whereas sound policy dictates, that rewards should be held out to those who have rendered essential service to our country: Preamble.

1. *Be it therefore enacted by the general assembly*, That the governor be authorized and requested to purchase and set free, on behalf of this commonwealth, Pharoah, a slave, the property of Philip Sheppard, and Tom, a slave, the property of Elizabeth Sheppard; the amount of said money to be paid out of any money in the treasury. Governor authorized to purchase and set them free.

2. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 35.—An ACT to empower the courts of certain counties to appoint persons to solemnize marriages.

(Passed January 16, 1801.)

1. *Be it enacted by the general assembly*, That the courts of each of the counties of Wood, Kanawha and Tazewell, shall and may appoint two persons, being actual residents of the county, who shall be authorized, and have full power to celebrate the rites of matrimony, within the county wherein such appointments shall be made; and in case of death, inability to act, or removal out of the county of either of the persons so appointed, it shall be lawful for the court of the county from whence he so removed, from time to time, to supply such vacancy; and the persons so appointed shall have the like powers as those originally appointed. Courts authorized to make the appointment.

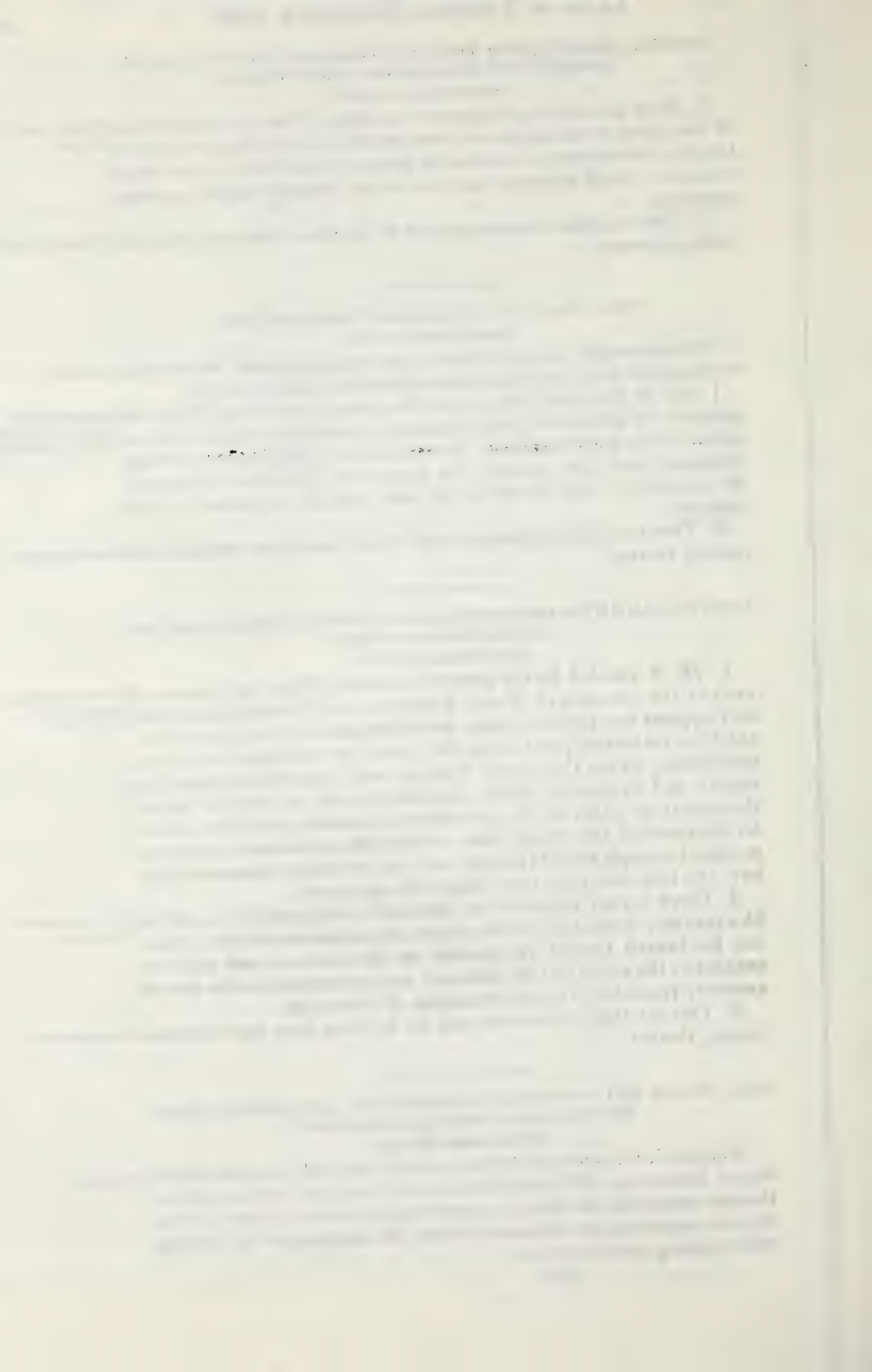
2. Every person appointed as aforesaid, shall qualify himself in like manner, discharge the like duties, be subject to the like penalties for breach thereof, recoverable in like manner, and shall be entitled to the same fees as directed and prescribed in the acts of assembly regulating the solemnization of marriages. Duties of persons so appointed.

3. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 36.—An ACT to amend an act, intituled, "An act to authorize a lottery for the purpose of repairing certain roads."

(Passed January 13, 1801.)

Whereas it was enacted by the general assembly, on the second day of December, 1796, that it should be lawful for certain persons therein mentioned, to raise, by one or more lotteries, a sum of money not exceeding six thousand dollars, for the purpose of opening and repairing certain roads: Preamble.



Lottery author-
ed.

1. *Be it therefore enacted*, That Adam Douglas, Charles Magill, John Payton and William Davison, be added to the commissioners appointed in the act aforesaid; and that the said lottery be drawn in the borough of Winchester; and any three of the said commissioners shall be competent to manage the same; the money arising therefrom to be applied in the proportions hereafter mentioned, for the purpose of repairing and opening the following roads, that is to say: one thousand dollars for opening a road from the east, at the Allegany turnpike road through Hampshire county, the nearest way to the city of Washington. One thousand dollars for the special purpose of building bridges over Cape Capon, and North river, on the road leading from Romney to Winchester. One thousand dollars for repairing the road from Wheeling to Morgantown. One thousand dollars for repairing the road from Clarksburg to the Allegany turnpike road. One thousand dollars for repairing the road from Randolph courthouse to Moorfield. Five hundred dollars for repairing the road from Moorfield, over Cape Capon mountain, passing William Warden's, Jacob Pugh's, and over the North mountain, past Ellis Cackley's, until it falls into the main road, leading to Winchester from the iron works, formerly the property of Isaac Zane, deceased. And five hundred dollars for repairing the road from Jacob Widener's, past Thomas and Benjamin Marshall's crossing at Smith's ford, on North river, and passing John Chinaworth's, on Cape Capon, until the same falls into the road from Romney to Winchester.

Commissioners ap-
pointed to superin-
tend the roads,
&c.

2. *Be it further enacted*, That John I. Jacob, John Jack, and Joseph Ashbury, of Hampshire county, are appointed commissioners to superintend the road and bridges in said county: that Henry Smith and Moses Shepard of Ohio county, and Dudley Evans of Monongalia, are appointed commissioners to superintend the road from Wheeling to Morgantown; that Jacob Kettle, Matthew Whitman, and William Wilson of Randolph county, are appointed commissioners to superintend the road from Randolph courthouse to Moorfield; George Harness, William Bullit and Jacob Fisher, to superintend the road in the said county; and John Webster and Peter Johnston of Harrison county, and John Fairfax of Monongalia county, to superintend the road from Clarksburg to the Allegany turnpike road. *And be it further enacted*, That the several courts of the respective counties shall make such allowance to the said commissioners as to them may seem right.

Repealing clause.

3. So much of the aforesaid act as is contrary hereto shall be and is hereby repealed.

Enacting clause.

4. This act to commence and be in force from the passing thereof.

CHAP. 37.—An ACT establishing an inspection of flour at Aylett's warehouse, in the county of King William.

(Passed January 15, 1801.)

Inspection estab-
lished.

1. *Be it enacted by the general assembly*, That an inspection of flour shall be established at Aylett's warehouse, in the county of King William, and the court of the said county shall appoint an inspector of flour at the said place, who shall be under the like rules, regulations, penalties and forfeitures, and shall be recoverable in the same manner as is directed and prescribed by law for

other inspections of flour. And the said inspector shall be paid two cents for each barrel of flour he inspects.

2. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 33.—An ACT to extend the jurisdiction of justices of the peace.

(Passed January 16, 1801.)

1. *Be it enacted by the general assembly*, That when the cause of action shall not exceed ten dollars, or four hundred pounds of tobacco, the same is declared to be cognizable, and finally determinable by any one justice of the peace who may give judgment, and thereupon award execution against the goods and chattels of the party against whom such judgment shall be given, which shall be executed and returned by the sheriff or constable to whom directed, under the penalty of ten dollars, to be recovered by the party grieved; but no execution shall be by any justice awarded against the body of the defendant. Jurisdiction extended to ten dollars.

2. All petitions which may be brought by the first day of April next, for any sum less than ten dollars, or four hundred pounds of tobacco, shall be tried and determined as heretofore, and executions may thereupon issue. Exception.

3. All laws within the meaning of this shall be repealed. Repealing clause.

4. This act shall be in force from the first day of April next. Enacting clause.

CHAP. 39.—An ACT concerning patrols.

(Passed January 16, 1801.)

1. *Be it enacted by the general assembly*, That any justice of the peace shall have power to order out patrols when to him it shall appear necessary, and may on particular occasions appoint an officer of patrol, who shall have the same powers, and receive the same pay, as the patrol appointed by the commanding officer of the battalion. Any officer or patrol, so ordered out by a magistrate, failing to attend and do his duty, shall forfeit and pay, the officer three dollars, and the patrol one dollar, each, to be recovered and applied in the same manner as other militia fines. By whom to be ordered out.

2. *And be it further enacted*, That the court of the corporation of Petersburg shall have power to divide the militia, residing within the limits of said town, into wards or districts, and may appoint one or more officers in each ward, to be denominated captains of patrol; each officer shall be compelled, when on duty, to visit all parts of said town, and shall patrol once in every week (or oftener if required by the court,) and shall receive for every twelve hours service, the officer one dollar, and each patrol seventy-five cents, to be levied on the house keepers in said town. The militia of said town shall be exempted from patrol duty without the limits of the town; but in all other services, required by law, shall continue attached to their respective regiments. Regulation in Petersburg.

3. *And be it further enacted*, That the corporation court of Fredericksburg shall be, and is hereby empowered, to impose and levy an annual tax upon the house keepers within the jurisdiction thereof, to be appropriated to paying a watch to be kept therein. Watch in Fredericksburg.

4. This act shall commence and be in force from the passing thereof. Enacting clause.

CHAP. 40.—An ACT to prevent the killing of deer within certain periods annually.

[Passed January 16, 1801.]

Penalty for killing deer within certain periods.

1. *Be it enacted by the general assembly*, That if any free white person, or persons, within this commonwealth, by shooting, trapping, hunting, ranging, driving with dogs, or otherwise, shall kill or destroy any one or more deer, (the same not being his own tamed, or shall be found in possession of any) between the first day of January and the first day of August, in any year, every such free white person or persons, so offending, for every deer so killed or destroyed, shall forfeit and pay the sum of five dollars, to be recovered with costs, by warrant, before a justice of the peace of the county where the offence shall have been committed, or the offender or offenders may reside, to the use and benefit of the informer, provided the offence be proved by the confession of the party, or by the oath of one or more credible witness or witnesses, other than the informer; but if the offence should be established by the oath of the informer only, in that case the said forfeiture shall be payable to the overseers of the poor of the county where the conviction shall have been, and applied towards lessening the poor rates thereof. *And be it further enacted*, That if any white person, free negro, or mulatto, shall be guilty of the like offence, and be thereof duly convicted before a justice of the peace of the county where the offence shall have been committed, or the offender resides, the said offender shall forfeit and pay to the informer, or to the overseers of the poor, as the case may be, the sum of five dollars, and costs; and in case of inability, or refusal to pay, shall, by order of the said justice of the peace, receive not less than ten, nor more than twenty, lashes on his bare back.

Penalty on slaves.

2. That if any slave shall be guilty of the like offence, and be thereof lawfully convicted before any justice of the peace of the county where the offence shall have been committed, or the master or owner of such slave resides, such slave shall, by order of the said justice of the peace, receive on his bare back not less than ten, nor more than twenty, lashes.

Restriction of this act.

3. *And be it further enacted*, That nothing herein contained shall be construed to extend to any of the counties west of the Alleghany mountain.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 41.—An ACT releasing to Ambrose Cramer the right of the commonwealth to a certain tract or tracts of land.

(Passed January 17, 1801.)

Claim released.

1. *Be it enacted by the general assembly*, That all the right, title, interest, claim and demand, which the commonwealth now hath, or may have, in or to a certain tract or tracts of land, purchased by Ambrose Cramer, who is an alien, which land lies in the counties of Berkeley and Frederick, contains about four hundred and fifty acres, and was by him purchased of Thomas Throckmorton and I. G. Hening, shall be, and the same is hereby released unto the said Ambrose Cramer, to be held by him, so far as the said commonwealth is concerned, in the same manner as if he was now a citizen thereof.

Enacting clause.

2. This act shall be in force from and after the passing thereof.

CHAP. 42.—An ACT laying taxes for the support of government.

(Passed January 22, 1801.)

1. *Be it enacted by the general assembly*, That the public taxes, Taxes imposed. for the year one thousand eight hundred, shall be as follows, to wit: On lands, for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been, or shall be exempted by reason of age or infirmity by the respective county or corporation courts, forty-four cents; for every stud horse and jack ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheel riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel; for all phaetons and stage waggons, eighty-four cents per wheel; and for every other riding carriage with two wheels, forty-three cents per wheel; for all lots and houses in town, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such house or lot is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value, shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare, on oath or solemn affirmation, what is the amount of the rent paid for the same; and every person so called on, and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice to be made by the commissioners of the revenue, or either of them: *Provided*, That no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning. Every covering horse or jack ass, which shall not be duly entered with the commissioners of the tax, and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place at which he shall stand, upon whom it shall be distrainable by the sheriff, as if it had been entered in the commissioner's book; for two thirds whereof the sheriff shall be accountable to the public, and in case of failure to pay the same, shall forfeit two hundred dollars, to be recovered with costs, on motion, after ten days notice by the auditor, for the use of the commonwealth: *Provided*, That any person so bringing such horse or ass into the state, entering him with the commissioner within ten days thereafter, and paying the tax to which he would have been liable, had he been duly entered, to the sheriff or collector, shall be absolved from the said penalty, and the said commissioners shall subjoin the said horse or ass to the list of taxables.

2. *And be it further enacted*, That upon any person's producing to the commissioner of the revenue for the county, district, or corporation, or to the clerk of the court, if there be no commissioner, a receipt for the sum of forty dollars paid to the sheriff or collector, How licenses to sell to be procured.

such commissioner shall grant to such person a license to sell merchandise of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall, in like manner, receive a license to retail such goods for the same time. And if any person shall sell such merchandise, either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay five hundred dollars, to be recovered by the commissioner in any court of record, on ten days previous notice; and to be paid to the sheriff for the use of the commonwealth; of which licenses and fines the commissioners shall annually, in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying names, which shall be good evidence whereupon to charge the sheriff or collector: *Provided always*, That if there be no sheriff or collector, the clerk of the court shall have a right to receive the tax, to be accounted for in like manner as other taxes by him received: which receipt being produced to the commissioner of the revenue, such commissioner shall grant to such person a license to sell in the same manner, as if the money had been paid to a sheriff or collector: *Provided, nevertheless*, That not above one tax shall be paid on account of so selling at one and the same store: and if any person shall possess two or more stores, he or she shall pay one tax for each store: *And provided also*, That nothing contained in this, or any other act, shall be so construed as to impose a tax on planters or farmers, for selling salt or iron to their neighbours, purchased as a return for their produce carried in their waggons, or otherwise, to market. All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for and during the term of one year: *Provided*, That if any new store shall be opened on land between the said first day of May, and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year; and its amount shall be specified in the license, and in the commissioner's return.

Proviso.

Duty of hawkers,
&c.

3. *And be it further enacted*, That the act concerning hawkers and pedlars shall be so construed as to make it necessary for each hawker and pedlar to obtain a license. That it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act, and on such report, it shall be the duty of said court to direct process against all delinquents so reported.

Duty of clerks of
courts relative to
licenses.

4. *Be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandise, shall in the court of each county, in which he offers goods for sale, enter of record his license obtained for vending goods, wares and merchandise, for which he shall pay twenty-five cents to the clerk. The clerk of each court shall cause a list of such licenses as recorded by him to be stuck up in some public place in the courthouse, expressing when each license was granted, when it will expire, and by what court it was granted, from their April court to the end of the year: and in case of failure, each hawker or pedlar shall be subject to the same penalty as if he had no such license. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him

out of the public treasury, on warrant of the auditor of public accounts, after his list of licenses shall be returned to the auditor, as aforesaid. Clerks of courts shall, annually, on or before the first day of October, return to the auditor a list of all hawkers and peddlars' licenses granted by their respective courts previous to the first day of September in every year: and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion on ten days previous notice. The clerks of courts shall also, on or before the fifteenth day of December in every year, account on oath to the auditor of public accounts, for all taxes received by them, by virtue of their offices, previous to the first day of September in such year. So much of the act passed at the session of assembly, which commenced in December 1798, intituled, "*An act to impose certain taxes on law process, and for other purposes,*" as is contrary hereto, shall be and is hereby repealed.

5. And for the more effectual collection of the taxes, as aforesaid, and others, which may become due to the commonwealth, *Be it further enacted*, That ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector or notary public, for the purpose of recovering a judgment for any taxes, fines or public dues of any kind, where by law the auditor is authorized to proceed against them, or any of them, by motion. No sheriff or other collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after twelve months shall have expired from the period of the taxes becoming payable by such sheriff or collector, to which such list relates. A commission of five per cent. and no more, shall be allowed to sheriffs and collectors for the collection of taxes or licenses to be granted to merchants under this act, and on licenses to be granted to hawkers and peddlars under an act, intituled, "*An act concerning hawkers and peddlars,*" any law to the contrary notwithstanding.

How judgments
against sheriffs,
&c. to be obtained.

6. A list of all licenses granted to merchants, shall be returned by the commissioner granting the same, to the county or corporation courts for their examination; after which the said lists shall be delivered to the said sheriffs or collectors, who shall, annually, on or before the first day of October next, after the receipt thereof, account for, and pay the same into the public treasury.

Commissioner's
duty.

7. This act shall commence and be in force from and after the passing thereof.

Enacting clause.

CHAP. 43.—An ACT to empower the governor to transport slaves condemned, when it shall be deemed expedient.

[Passed January 15, 1801.]

1. *Be it enacted by the general assembly*, That the governor with the advice of council, be, and is hereby authorized, when it shall be deemed expedient, to contract and agree with any person or persons for the sale and purchase of all those slaves who now are or hereafter may be under sentence of death, for conspiracy, insurrection, or other crimes. The person or persons, at the time of making such purchase, shall enter into bond, with sufficient security, in the penalty of five hundred dollars for each slave, payable to the governor and his successors, for the use of the commonwealth, with condition that he or they will carry out of the United States all the slaves by him or them purchased, who are now, or who hereafter may be under sentence of death; and the sale and

Slaves under sentence of death for conspiracy to be purchased and transported.

Subject to execution if they return,

Testimony in all trials to be recorded, and a copy transmitted to the executive.

Owners to be paid.

Enacting clause.

disposal of every such slave shall amount to a reprieve of him or them from such sentence of death: *Provided always*, That if any slave, sold pursuant to this act, shall return into this state, he shall be apprehended and executed under the condemnation of the court, as if no reprieve had taken place. And in all cases where any slave or slaves shall be tried and convicted for any crime which may affect life, the court before whom such trials shall be had, shall cause the testimony for and against every such slave to be entered of record, and a copy of the whole proceedings to be transmitted forthwith to the executive.

2. The owners of all slaves so sold or transported shall be paid in the same manner as for slaves executed.

3. This act shall commence and be in force from the passing thereof.

CHAP. 44.—An ACT directing the allowances of witnesses in certain cases.

(Passed January 21, 1801.)

Compensation to witnesses summoned out of the county of their residence.

1. *Be it enacted by the general assembly*, That in all cases hereafter, when any person or persons shall be summoned as a witness, or witnesses, in any prosecution for a crime or misdemeanor, to attend any court out of the county or counties in which he, she or they may reside, the same allowance shall be made him, her or them, for such attendance, as is allowed by law to witnesses and veniremen in such case attending the district courts.

Enacting clause.

2. This act shall commence and be in force from the passing thereof.

CHAP. 45.—An ACT to arm the militia of certain towns.

(Passed January 21, 1801.)

Arms to be issued for the use of certain towns.

1. *Be it enacted by the general assembly*, That the governor, with the advice of council, be authorized, and he is hereby required to issue, without delay, arms and accoutrements to the militia residing in the towns of Richmond, Manchester, Petersburg, Norfolk, Hampton, Portsmouth, Suffolk, York, Williamsburg, Fredericksburg, Falmouth, Port Royal, Dumfries and Lynchburg, in such proportions as the executive shall deem expedient, provided that the whole number distributed shall not exceed two thousand, out of any arms and accoutrements not already directed by law to be distributed, under the regulations prescribed by the act, intituled, "*An act concerning the militia of this commonwealth*," passed the twenty-eighth day of January, one thousand eight hundred.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 46.—An ACT concerning the town of Charlottesville.

(Passed January 19, 1801.)

How trustees to be elected.

1. *Be it enacted by the general assembly*, That on the last Saturday in February next, and so on the last Saturday in February in every year afterwards, the freeholders, house-keepers, and free white male inhabitants, aged twenty-one years and upwards, who shall have been resident in the said town twelve months preceding such election, shall meet at the courthouse in the said town, or at such other place as shall by a by-law be hereafter appointed, and then and there elect five fit men, being freeholders and inhabitants of

the said town, as trustees thereof, whose powers and services shall not continue longer than until other persons shall have been elected, or until the expiration of the second day immediately following the last Saturday in February in every year, as the case may be; but they may, nevertheless, be re-elected; vacancies occasioned by death, resignation, or other disability, at any time before the annual election, shall be supplied by the remaining trustees, or a majority of them.

The trustees so elected and their successors, shall be a body poli-^{Incorporated.} tic and corporate, by the name of "The Trustees of the Town of Charlottesville," and by that name shall have perpetual succession and a common seal.

The said trustees, or a majority of them, shall have power to open ^{Their power.} the streets and alleys agreeable to the original plan of the said town, entered on the books of the surveyor of the county of Albemarle; to determine all disputes respecting the bounds of the lots, which shall be final unless controverted at law within five years from such determination, (saving to *femes covert*, infants, persons *non compos mentis*, or out of this state, their respective rights until three years after their several disabilities may be removed,) to appoint a clerk, and allow him reasonable fees or a salary for his services; to keep the streets and alleys in repair, and for that purpose to appoint a surveyor, with power to compel the tithables in the said town to work on them, in like manner and under the same penalties as prescribed by law respecting public roads; to remove nuisances and obstructions in the town, at the expense of those who occasioned them; to impose taxes, not exceeding two hundred dollars, annually, on the tithables and property, real and personal, in the said town, in such manner and proportions as they shall deem just; to make provision and regulations for the collection of the said taxes, by appointing a collector, and directing distress to be made for delinquencies, or by any other means; to erect a market house, and keep the same in repair; to appoint a clerk of the market, and regulate the assize of bread.

The said trustees, or a majority of them, shall constitute a board, and assemble at least once in every month, on such days and at such place as they may appoint; and when assembled, shall have power to form and establish such by-laws, rules and regulations (not contrary to the laws and constitution of this state or of the United States) as they may think most proper and effectual for carrying all or any of the powers hereby given them into effect; to which by-laws, rules and regulations, as well as their other proceedings, they shall affix their signatures, and be entered in books to be kept for that purpose, to be open at all times for inspection.

2. *And be it further enacted*, That the first election of trustees ^{Election, by whom conducted.} made in virtue of this act, shall be conducted by the sheriff of the county of Albemarle, or one of his deputies, and all subsequent elections by the collector, who shall make return of the poll to the trustees, to be entered in the books with their other proceedings; and the person having the greatest number of votes shall be president of the said trustees for the ensuing year.

3. If from the death or sickness of the collector, or other cause, an election of the trustees should not take place on the day fixed for that purpose, annually, the sheriff of the county or a deputy

may, within one month thereafter, hold such election under the like rules as herein before directed.

Enacting clause. 4. This act shall commence and be in force from and after the passing thereof.

CHAP. 47.—An ACT appointing commissioners to view and mark out a way for a road through the counties of Culpeper, Fauquier, Prince William and Fairfax, to the turnpike road leading to Alexandria.

(Passed January 20, 1801.)

Preamble.

Whereas it hath been represented to the present general assembly, that a more convenient and direct road than the one now established, may be opened through the counties of Culpeper, Fauquier, Prince William and Fairfax, to Alexandria, by which a considerable distance will be saved to a great number of citizens necessarily compelled to travel to Alexandria to market:

Commissioners appointed.

1. *Be it therefore enacted*, That James Green, jun. Gabriel Green, Joseph Blackwell, William Horner, doctor George Graham, Henry Washington, William Denealle, Thomazon Ellzey, and Thomas Pollard, gentlemen, shall be and they are hereby constituted commissioners, who, or a majority of them, shall be and they are hereby empowered and required, on or before the first day of June next, to view, examine and mark out the most convenient and direct way for a road from Thornton's gap in Culpeper county to Fauquier courthouse, and from thence to the turnpike road leading to Alexandria; and that the said commissioners, or a majority of them, shall proceed to report to the court of the counties of Culpeper, Fauquier, Prince William and Fairfax, the way the road is to run through the said counties, and what money, in their opinion, will be sufficient to defray the expense of opening and clearing out the same; and thereupon the said county courts are hereby empowered to levy at the laying of the county levies next ensuing the report of the said commissioners, the several sums necessary for opening and clearing the said road, agreeable to the report of the commissioners: *Provided always*, That the owners of the lands through which the said road shall run, have been first summoned, to shew cause against the opening of the same, agreeable to the directions of "*An act concerning public roads.*" And if any person through whose land the said road is to pass, so summoned, shall object to the said road's being opened agreeable to the report of the commissioners aforesaid, he shall be entitled to a writ in nature of a writ of *ad quod damnum*, from the clerk of that county in which the lands do lie; and thereupon the same proceeding shall be had as is directed by the above recited act, saving to the party a right to appeal to the next district court: *Provided however*, The expense of opening the roads herein mentioned shall not exceed the sum of one thousand dollars.

Enacting clause. 2. This act shall commence and be in force from and after the passing thereof.

CHAP. 48.—An ACT concerning the docks and wharves in the borough of Norfolk.

[Passed January 20, 1801.]

Preamble.

Whereas the docks and wharves, more especially such as remain unfinished, and such as may hereafter go to decay, on the river and creeks within the borough of Norfolk, have and may become dan-

gerous to the health of the inhabitants and others, trading thereto, from the putrid matter and filth thrown therein and left dry by the ebb tide; for prevention whereof,

1. *Be it enacted by the general assembly*, That the court of hus-
tings of the said borough, shall be and they are hereby empowered,
at a court to be held in the month of February or March, annually,
to appoint three discreet persons, being house-keepers, as wardens,
of the port, for the purpose of inspecting the said docks and
wharves, who shall take an oath in the said court, faithfully and
impartially to execute the said office; and if they or any two of
them shall be of opinion that any dock or wharf is a nuisance, they
shall immediately give notice in writing to the owner thereof, requir-
ing him or her, to remove such nuisance, either by deepening the place
or filling it up, allowing a reasonable time for performing the same.
If any person shall neglect or refuse to comply with the directions
of the said wardens, it shall be the duty of some one of them to
inform the attorney for the said borough of such nuisance, and deliv-
er him a copy of the notice given to the owner, and the attorney
shall thereupon present an indictment to the grand jury at the next
quarterly court to be held for the said borough, and if the grand
jury shall find the indictment to be true, the cause shall be tried at
the succeeding monthly court, and the jury in their verdict, in case
they find against the defendant, shall assess the fine for the said
nuisance, which shall be appropriated by the said wardens, towards
the removal thereof, deducting therefrom ten per centum for their
trouble.

Wardens of the
port of Norfolk to
be appointed.

Their duties and
powers.

Fine to be assess-
ed.

2. *And be it further enacted*, That if the fine shall not prove
sufficient to remove the nuisance, and the owner of the place will
not contribute to remove it in a reasonable time, the like proceed-
ings shall and may be had against him or her, as if he or she had
never been fined.

Proceedings may
be renewed.

3. And whereas the owners of lots on the river and creeks
are constantly extending their wharves and breastworks beyond
each other, whereby the navigation is greatly obstructed: *Be it
therefore further enacted*, That the said wardens, assisted by the
surveyor of the county, shall run a line from the east to the west
end of the said borough, on the water, having due regard to the
depth of the water from the one end of the town to the other, so as
not to obstruct the navigation of the river; and moreover run a
line on each side of the creeks so as to leave a canal of at least
forty feet wide in the middle thereof, beyond which said lines no
person shall extend any wharf, or breastwork, under the penalty of
ten thousand dollars, to be recovered in the name of the wardens
by action of debt, either in the district court of Suffolk or county
court of Norfolk, with costs, and applied towards improving the
streets on the river or creek sides, in whichever place the offence
is committed, deducting five per centum to be retained by the
wardens as a commission for their trouble, and in case the wardens
shall fail to sue within three months after the extension of any
wharf or breastwork, beyond the lines so to be laid off, it shall be
lawful for any other person to sue for such penalty, to be applied as
aforesaid: the person so suing shall receive five per centum as a
commission for his trouble. All expenses incurred in running said
lines, shall be provided for by the common hall of said borough of
Norfolk.

Further duty of
the wardens and
surveyor.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 49.—An ACT for altering the place of holding courts in the county of Norfolk.

(Passed January 20, 1801.)

Preamble.

Whereas it hath been represented that the place of holding courts in the town of Washington and county of Norfolk, is inconvenient to the inhabitants thereof; and they have petitioned this assembly to remove the same to the town of Portsmouth, the inhabitants whereof are willing to erect the necessary public buildings, at their own expense, on receiving the lot with the court-house and prison in the town of Washington, as a compensation for the same:

The court of Norfolk county to be held at Portsmouth, &c.

1. *Be it therefore enacted*, That so soon as a court-house and prison of the like form, dimensions and strength with those in the town of Washington (to be judged of by a majority of the justices being present in court) shall be erected on the ground set apart for that purpose, in the town of Portsmouth, by voluntary contribution, that thenceforth a court for the said county of Norfolk shall be constantly held at the court-house in the said town of Portsmouth.

Property of the ground to be vested in Wm. Wilson, &c.

2. So soon as a court-house and prison shall be erected and received by the court of the said county of Norfolk, as aforesaid, the said lot of ground together with the public buildings thereon, in the town of Washington, shall thenceforth be vested in William Wilson, Robert Thompson, Samuel Hatton, William Godfrey and Enos M'Coy, gentlemen, commissioners, who, or a majority of them, shall sell such lot and buildings for the best price that can be had for the same, and apply the money arising from such sales towards reimbursing the persons the sums by them respectively paid for erecting the court-house and prison in the said town of Portsmouth.

To be disposed of to reimburse the proprietors.

Enacting clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 50.—An ACT to enlarge the town of Woodville in the county of Culpeper.

(Passed January 20, 1801.)

Town of Woodville extended.

1. *Be it enacted by the general assembly*, That twelve acres of land, the property of Burtis Ringo, lying to the south end of the town of Woodville, in the county of Culpeper, so soon as the same shall be laid off into lots of half an acre each, with convenient streets, shall be added to and constitute a part of the said town of Woodville.

When the privileges of purchasers shall commence.

2. The purchasers of the said lots hereby added to the said town of Woodville, so soon as they have built upon and saved the same, according to the conditions of their respective deeds, shall be entitled to, and have and enjoy the same rights, privileges and immunities which the other freeholders and inhabitants of the said town hold and enjoy.

Enacting clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 51.—An ACT paying sheriffs for their trouble in attending to compare the polls on elections for senators to the general assembly.

(Passed January 20, 1801.)

1. *Be it enacted by the general assembly,* That the sheriffs and Allowance made. other officers conducting an election for a senator to the general assembly, shall be allowed one dollar sixty-seven cents per day for each day on which they shall necessarily attend to compare the different polls, and four cents per mile for travelling to and from the place appointed for that purpose, besides ferriages; to be paid in the same manner as the electors who are to vote for a president of the United States are paid.

CHAP. 52.—An ACT to appoint and authorize commissioners to assess the lands in the county of Randolph.

[Passed January 20, 1801.]

1. *Be it enacted by the general assembly,* That the justices of Commissioners to be appointed. the peace of the county of Randolph shall, at their court to be holden in the months of March or April next, after the passing of this act, proceed to appoint two fit persons, inhabitants of the said county of Randolph, commissioners, whose duty it shall be to assess the lands in the said county of Randolph, in the manner and form hereafter directed.

2. All lands patented previous to the passing of the act, intituled, Rates of valuation. "*An act for equalizing the land tax,*" they shall proceed to value at the average or standard price for lands of the fourth district, and all lands patented subsequent to the passing of the said act, at a price equal to other lands in the said county, paying a due regard to soil and situation.

3. The said commissioners are hereby authorized and required Oath required. to demand on oath from every person or persons residing in the said county and owning lands therein, the number of tracts held by him, her or them, the number of acres in each tract, and the particular part of the county where such land lies.

4. And the better to enable the said commissioners to obtain in- Register's duty. formation of every tract or tracts of land lying in the said county, the register of the land office is hereby directed and required to transmit to the court of the said county of Randolph, for the use of the said commissioners, on or before the first day of April next, a list of all lands patented since the first day of January, seventeen hundred and ninety-eight.

5. The said commissioners, in making out and returning their books, shall be governed by the laws of this commonwealth now in force prescribing the duties of the commissioners of the revenue, and shall be allowed the same compensation for their services in performing the duties required by this act, and be paid in the same manner that the commissioners of the revenue are now paid: *Pro-* Proviso. *vided, nevertheless,* That the commissioners to be appointed by this act, shall not be compelled to make returns of their books before the first day of December, eighteen hundred and one.

6. The said commissioners, before entering on the duties of their office, shall take the same oath as is now prescribed for other commis- Commissioners to make oath. sioners of the revenue within this commonwealth, a certificate of which oath shall be returned by the justice of the peace who administers the same, to the clerk of the court for said county, to be by him recorded.

Penalty for neglect or refusal.

7. *And be it further enacted*, That if the court of the said county of Randolph shall neglect or refuse to appoint such commissioner as in this act before directed, each of the justices of the peace composing said court shall forfeit and pay the sum of one hundred dollars; and if either of the said commissioners so appointed shall refuse to serve and do the duties required by this act, each commissioner so refusing shall forfeit and pay the sum of one hundred dollars, to be recovered with costs in any court of record in this commonwealth, one half to the use of the informer, and the other half to the use of the commonwealth.

Penalty for refusing to give information to the commissioners.

8. And if any person or persons shall refuse to give such information as in this act required, respecting the number of tracts of land, the number of acres in each tract, and the part of the county where the same is situate, when requested so to do by the said commissioners, or either of them, every person so offending shall forfeit and pay the sum of thirty dollars, to be recovered with costs under the direction of the court of the said county, in the same manner that other sums of money are recovered of the same amount; and it shall be the duty of the said commissioners, or either of them, in all such cases, to give information thereof to said court; which said forfeitures shall be applied by the said court towards lessening the county levy.

Enacting clause.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. 53.—An ACT to increase the rates of pilotage at certain places.

(Passed January 21, 1801.)

Preamble.

Whereas the rates of pilotage heretofore allowed by law have in certain cases been found inadequate to the services performed: For remedy whereof,

Rates increased.

1. *Be it enacted by the general assembly*, That the rate of pilotage, at present allowed by law on all foreign bottoms coming from sea to any of the harbours or ports of delivery within this commonwealth, shall be increased in the proportion of one fourth.

Rates on American bottoms.

2. *And be it further enacted*, That the pilots shall be entitled to receive hereafter nine pence per foot, in addition to the pilotage at present allowed by law on all American bottoms, and two dollars in addition to the rates now allowed on all American vessels coming in from sea to the first port.

From Hampton road to sea.

3. *And be it further enacted*, That the rate of pilotage from Hampton road to sea, shall hereafter be seven dollars and an half and no more.

Allowance for exposures to contagion.

4. *And be it further enacted*, That in every case hereafter, when a pilot shall be decoyed on board a vessel, having on board any contagious disease, and thereby be compelled to remain on board and perform quarantine, such pilot shall be allowed and paid two dollars per day for every day of such detention: and moreover, in every case where a pilot boat shall be employed in performing the orders, whereby the pilot is enjoined to give notice of contagion on board any vessel to the health officer, the compensation of five dollars, which is allowed in and by the third section of the act passed in the year one thousand seven hundred and ninety-five, upon the said subject, shall be, and is hereby increased one fourth.

For detention.

5. *And be it further enacted*, That in all cases hereafter, when a vessel outward bound shall be laden and anchored in Hampton

road, and the captain shall detain the vessel and pilot after a fair wind offers for going out to sea, such pilot shall then be allowed and paid ten shillings per day, during such detention of vessel and pilot: *Provided always*, That the same shall not extend to vessels falling down into Hampton road, and not intending to proceed immediately to sea; but in every such case, the captain may discharge the pilot.

6. *And be it further enacted*, That the pilots residing in the state of Maryland may hereafter apply to the examiners appointed under the authority of this commonwealth, and on obtaining a branch, may exercise such branch in like manner as the pilots of Virginia, and shall receive similar fees: *Provided always*, That this privilege shall not be enjoyed until the state of Maryland shall have passed a similar law in favor of the pilots of Virginia. No negro or mulatto shall, after the passing of this law, obtain a branch as a pilot: *Provided, however*, That this prohibition shall not extend to, or affect any such persons now having a branch. Maryland pilots.

7. The fees allowed by law for piloting a vessel into this commonwealth, shall only be paid when a pilot has boarded the vessel without the capes of Virginia, or opposite to them. If the vessel shall be boarded by the pilot within the capes, then the pilot shall demand and receive only one half of the fees before specified into Hampton road; the fees for pilotage up the rivers, as heretofore, with the additional rates allowed by this act. When the fees shall be paid.

8. The fines and penalties imposed upon pilots by the act, intituled, "*An act to reduce into one the several acts for regulating pilots, and ascertaining their fees*," shall be, and are hereby increased one half respectively. Fines increased.

9. So much of the last recited act as permits pilots to deposit their accounts with the collector, and authorizes him to refuse a clearance to the vessel so piloted, until the payment of the account, shall be, and hereby is repealed. Repealing clause.

10. The consignee or supercargo of every vessel not owned by a citizen residing in this state, shall be liable for the pilotage, if it be not paid by the master. Who shall pay the pilotage.

11. All boats on the sea shore shall hereafter have their names marked four feet below the head of the foresail. Boats, how marked.

12. All and every act and parts of acts coming within the purview of this act, shall be, and are hereby repealed. Repealing clause.

13. This act shall commence and be in force from the first day of March next. Enacting clause.

CHAP. 54.—AN ACT concerning the manufacture of tobacco.

(Passed January 20, 1801.)

1. *Be it enacted by the general assembly*, That no person shall at any time after the last day of February next, stem or manufacture any tobacco, without first having obtained a license for that purpose, in the manner prescribed by this act; and every person who shall presume to stem or manufacture tobacco, without such license, shall forfeit and pay fifteen dollars for every fifty pounds of tobacco so by him or her stemmed or manufactured, to be recovered by an action on the case, in the name of the deputy attorney, of the county or corporation where the offence shall be committed; one half of which fine shall go to the informer, and the other half shall be applied towards lessening the county or corporation levy. Penalty for stemming or manufacturing tobacco without license.

Manner in which
a license is to be
obtained.

2. Every person intending to stem or manufacture tobacco, may apply for a license to the court of the county or corporation where he resides, and where such stemmery or manufactory is intended to be carried on; and the said courts are hereby authorized to grant such license, upon satisfactory evidence being produced to them that the person applying is a man of honesty, probity and good demeanor; but no license shall be granted for a longer term than one year.

Tobacco first to be
inspected and
passed.

3. No stemmer or manufacturer shall stem or manufacture, or suffer to be stemmed or manufactured, any tobacco but such as shall have been inspected and passed at some public inspection in this commonwealth; and every stemmer or manufacturer who shall stem or manufacture, or suffer to be stemmed or manufactured, any tobacco which shall not have been inspected and passed in manner aforesaid, shall forfeit and pay fifteen dollars for every fifty pounds of tobacco by him stemmed or manufactured, or suffered to be stemmed or manufactured.

Penalty for buying
tobacco from any
negro.

4. Every stemmer or manufacturer who shall buy or receive any tobacco from any negro, mulatto or indian, (bond or free,) shall forfeit and pay five times the value of the tobacco so bought or received, and shall moreover be liable to be prosecuted as a receiver of stolen goods, provided the same be stolen tobacco.

5. Corporation courts shall have the exclusive right of granting licenses to stem or manufacture tobacco within the limits of their respective corporations.

Bond and security
to be given.

6. Every person to whom a license shall be granted to stem or manufacture tobacco, shall in open court, and at the same time at which license is granted, enter into bond with two sufficient sureties, in the penalty of two thousand dollars, payable to the governor and his successors, for the use of the commonwealth, with a condition, that he will not export, or suffer to be exported, either by land or water, any tobacco received by him for the purpose of stemming or manufacturing, until the same has been stemmed or manufactured; that he will not stem or manufacture, or suffer to be stemmed or manufactured, any tobacco but such as shall have been inspected and passed at some public inspection in this commonwealth; and that he will not buy or receive any tobacco from any negro, mulatto or indian, bond or free.

How suits may be
brought in case of
breach of this act,
and judgment re-
covered.

7. And upon every breach of the condition of such bond, an action of debt may be instituted against all the obligors in the said bond, or against the survivor or survivors of them, or against the legal representatives of the deceased obligor or obligors, and judgment shall be rendered thereon; and the said bond shall not become void on the first recovery, but may be put in suit and prosecuted from time to time, until the whole penalty be recovered. And if in any such action brought against the principal obligor, or against him and one or both of his sureties, judgment shall be recovered, such judgment shall be a compleat revocation of his license, and he shall, at no time thereafter, be capable of obtaining another license to stem or manufacture tobacco.

Duty of inspectors
in certain cases.

8. The inspectors of the several warehouses within this commonwealth shall deliver any inspected tobacco to any person who shall duly demand the same, by delivery of the notes or otherwise, for the purpose of manufacturing it, and grant him a manifest therefor, upon his paying the usual duties, and lodging with the inspector a

certificate from the clerk of some county or corporation court of his having obtained a license to stem or manufacture tobacco in the manner prescribed by this act.

9. Nothing herein contained shall be so construed as to prevent Exception. planters or farmers in country places from stemming or manufacturing tobacco, the produce of their own farms or plantations; nor shall this act extend to any county westward of the Blue Ridge, nor to any county in which there is no inspection of tobacco.

10. This act shall commence and be in force from and after the Enacting clause. last day of February next.

CHAP. 55.—An ACT concerning certain taxes due in the county of Botetourt.

(Passed January 20, 1801.)

Whereas it is represented to this general assembly that the in- Preamble. habitants of the county of Botetourt, and such of the inhabitants of the county of Bath and Montgomery as were included within the bounds of the said county of Botetourt, are in arrears for taxes due upon their lands for the year 1783, 1784, and 1785, and it appearing to this assembly that the non-payment thereof, at the several periods on which they become due, was not the fault or neglect of the people, the law which required the appointment of commissioners for equalizing the land tax not having come into the possession of the court by the time mentioned in the said law for appointing the said commissioners, but that they were always willing to have paid the same, provided they had been demanded by the sheriffs or collectors, which they were not authorized to collect, as no commissioners were appointed by the court of the county for those several years.

And whereas it appears to this assembly that if the whole of the said arrearages were collected at the same time it would greatly embarrass and distress the inhabitants of the said county:

1. *Be it therefore enacted*, That the inhabitants of the said county of Botetourt, and such of the inhabitants of the county of Bath and Montgomery as were included within the bounds of the said county of Botetourt, be permitted to pay the arrearages of tax due upon their lands for the years 1783, 1784 and 1785, in three equal annual instalments, to commence from the passing of this act; and that certificates issued by the treasurer or auditor of public accounts for debts due by the commonwealth shall be receivable by the sheriffs or collectors in the collection of said arrearages, and the said certificates shall be received by the treasurer from the sheriffs or collectors in discharge of the aforesaid arrearages of taxes, any law to the contrary or seeming to the contrary thereof, notwithstanding. Certain taxes to be paid by instalments.

2. *Be it further enacted*, That the court of the county of Botetourt shall in the month of February next, nominate to the governor a fit person to be commissioned with the advice of the council, to collect the said arrearage of land tax for the year one thousand seven hundred and eighty-three; that the person so commissioned, shall, without delay, in the court of the said county, enter into bond with good and sufficient security, in double at least, the amount of the said tax, conditioned faithfully to collect and account for the same according to the terms of this act; and shall then take an oath that he will faithfully discharge his duty therein; which bond shall Commissioners to be appointed for the purpose of collecting the taxes of 1783.

be given to the governor and his successors, and acknowledged in court and recorded, and a copy thereof forthwith sent by the clerk to the auditor of public accounts: And the clerk of the said court shall without delay, furnish the person so appointed and qualified, with a copy of the commissioner's list of the said taxes, from which he may make out his books and proceed to the collection thereof; and in case payment be not made by any person by the first day of June next, he shall have power to distrain the slaves, goods or chattels which shall be found upon the lands, or in possession of the person so indebted or failing, notwithstanding such slaves, goods or chattels shall be comprised in any deed of mortgage; and if the owners thereof shall not discharge the same within five days after such distress, the said collector shall and may sell the same, or so much thereof as shall be sufficient to discharge the said taxes, and the charges of distress and sale, for ready money, which sale shall be valid; and the said collector shall, on or before the first day of November next, account for and pay into the public treasury the full amount of the said arrearage of taxes, for the year last mentioned; and in case he shall fail, it shall be lawful for the general court, on motion of the commonwealth, to render judgment against him and his securities, his or their heirs, executors and administrators, or any of them, for the whole or any part thereof, and fifteen per cent. damages, and costs; provided, ten days previous notice of such motion shall be given.

Also for 1784.

3. *And be it further enacted*, That the said county court shall, in the month of January next, make a like nomination of some discreet person, who shall in like manner be commissioned for the collection of the said arrearage of land tax for the year one thousand seven hundred and eighty-four, who shall in like manner give bond and security; a copy whereof shall by the clerk be sent to the auditor; and in like manner shall the person so appointed qualify, and be furnished with a copy of the commissioner's list of the said taxes for the purpose of making out his book and proceeding to the collection thereof; and shall, at the periods aforesaid in like manner distrain and account for the full amount of the said arrearage of taxes for the year last mentioned, and in case of failure, he and his securities, their heirs, executors or administrators, or any of them, shall in like manner, upon like motion, be subject to a like judgment in the general court.

Also for 1785.

4. *And be it further enacted*, That the said county court shall in the month of January, one thousand eight hundred and three, make a like nomination of some discreet person who shall in like manner be commissioned for the collection of the said arrearage of land tax for the year one thousand seven hundred and eighty-five; who shall in like manner give bond and security, a copy whereof shall by the clerk be sent to the auditor, and in like manner shall the person so appointed qualify and be furnished with a copy of the commissioner's list of the said taxes for the purpose of making out his book and proceeding to the collection thereof; and shall at the periods aforesaid, in like manner distrain and account for the full amount of the said arrearages of taxes for the year last mentioned, and in case of failure, he and his securities, their heirs, executors or administrators, or any of them, shall in like manner, upon like notice be subject to a like judgment in the general court.

5. *Be it further enacted*, That if the court of the said county of Botetourt shall fail to do any of the duties required of them by this act, each of the magistrates thereof shall pay to the use of the commonwealth one hundred dollars, to be recovered by the auditor on motion in the general court on ten days notice thereof; and if any of the persons who shall be commissioned under this act shall refuse to act, he shall forfeit and pay two hundred dollars to the use of the commonwealth, to be recovered in like manner, and if the clerk shall fail to do any of the duties hereby required of him, he shall in like manner forfeit and pay fifty dollars, to be in like manner recovered.

Penalty for failure in the court to discharge the duties imposed by this act.

6. Each of the said collectors shall be allowed seven and one half per centum for their commissions, and two and a half per centum besides, for punctual payments, and no more, to be deducted from their collections.

Compensation to the collectors.

7. *And be it further enacted*, That the act of one thousand seven hundred and ninety-five, intituled, "*An act for the relief of the people of Washington, Botetourt and other counties*," respecting the arrearage of their certificate taxes, and the act of one thousand seven hundred and ninety-eight, intituled, "*An act to appropriate the public revenue*," shall not be so construed as to enable those in arrear for the said taxes, or the collector thereof to discharge the specie part of the said taxes in certificates, at six shillings and eight pence in the pound, but in warrants or certificates at their nominal value.

Construction of a former act.

8. *Be it enacted*, That if the court of the said county shall fail notwithstanding to make any of the nominations aforesaid, the governor in that case may immediately thereafter with advice of council, proceed to commission some discreet person for that purpose.

The governor may nominate if the court fail.

9. All laws within the purview of this act are hereby repealed.

Repealing clause.

10. This act shall commence and be in force from and after the passing thereof.

CHAP. 56.—An ACT to revive and amend an act for opening a road through the counties of Berkeley and Hampshire.

(Passed January 21, 1801.

Whereas a law passed on the twenty-fifth day of January, eighteen hundred, authorizing certain commissioners therein mentioned, to view, examine and mark out the most convenient and direct way for a road from Keye's ferry on the Shenandoah river, through the counties of Berkeley and Hampshire, so as to intersect the Maryland road near Gwynn's tavern: And whereas the said commissioners have not carried the said law into effect, agreeably to the said act:

Preamble.

1. *Be it therefore enacted*, That Cuthbert Anderson, Magnus Tate, junior, William Wilson, Joseph Bell, and George S. Washington, gentlemen of the county of Berkeley, or any two of them; John I. Jacobs, Joseph Asberry, John Jack, Robert Rodgers and Simon Taylor, gentlemen of the county of Hampshire, or any two of them, shall, and they are hereby empowered and required, on or before the fifteenth day of May next, to meet at the mouth of New creek, near Edward McCarty's, and view, examine and mark out the most convenient and direct way for a road from thence to Keye's ferry on the Shenandoah river, through

Commissioners appointed to carry into effect a law passed 25th January, 1800.

the said counties of Berkeley and Hampshire; and thencefourth the said commissioners, or a majority of them, shall report to the courts of the said counties of Berkeley and Hampshire, the way the road is to run, and what money, in their opinion, will be sufficient to defray the expence of opening and clearing out the same; and thereupon, the said courts are hereby empowered and required, to levy at the laying of the county levies thereafter next ensuing the report of said commissioners, the several sums necessary for opening and clearing the same. The expence of opening and clearing said road to be a separate and distinct charge to the said counties of Berkeley and Hampshire: *Provided, however,* Such expence shall not exceed the sum of one thousand dollars for the county of Berkeley, and five hundred dollars for the county of Hampshire.

Proviso.

Repealing clause.

2. All and every part of the aforesaid act as comes within the meaning and purview of this act, shall be, and is hereby repealed.

Enacting clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 57.—An ACT concerning the bank of Alexandria.

(Passed January 21, 1801.)

Stockholders authorized to do the business of the bank out of the district of Columbia.

1. *Be it enacted by the general assembly,* That the stockholders of the bank of Alexandria at all elections hereafter to be made for directors of the said bank, during the continuance of the charter of the said bank, may hold the elections, and remove and conduct the business of the said bank out of the district of Columbia, within the county of Fairfax, and that the said elections so held, and business so conducted, shall be as good and valid to all intents and purposes as if the same had been done in the town of Alexandria.

Residents within the district eligible as president or directors.

2. *And be it further enacted,* That in case the elections are made out of the district aforesaid, that a resident of that part of the said district which heretofore formed a part of this commonwealth, shall be capable of acting as a president or director of the said bank.

Charter continued.

3. *And be it further enacted,* That the charter of the said bank shall be and the same is hereby continued until the fourth day of March, one thousand eight hundred and eleven. And that the act, entitled, "*An act for establishing a bank in the town of Alexandria,*" and an act, entitled, "*An act for augmenting the capital stock of the bank of Alexandria,*" excepting so much thereof as shall be contrary to the purview of this act shall continue and be in force until the said fourth day of March, one thousand eight hundred and eleven.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 58.—An ACT for paying the expences of removing criminals from the district jails to the penitentiary house, and for other purposes.

(Passed January 21, 1801.)

Manner of conveying criminals to the penitentiary prescribed, and sheriffs authorized to impress.

1. *Be it enacted by the general assembly,* That whensoever any person or persons shall be sentenced by a district court to undergo confinement in the jail and penitentiary house, it shall be lawful for a judge of such court, or any two justices of the peace of the

county wherein the said court was held, by warrant under his or their hands and seals, to empower the sheriff charged with the conveyance of such prisoner or prisoners, in all counties and places through which he shall pass with him or them, to impress, upon the best terms that the nature of the case will admit of, such and so many men, horses, and boats, as shall be necessary for the safe conveyance of the said prisoner or prisoners, to the said jail and penitentiary house; which warrant the sheriff is hereby required to execute, and to his commands in virtue thereof, all persons are to pay due obedience.

2. The sheriff and guard attending any prisoner or prisoners, by virtue of a warrant, as aforesaid, shall be privileged from arrests in all cases, except treason, felony and breaches of the peace, during the time that they are employed in conveying such prisoner or prisoners, to the said jail and penitentiary house, and in returning therefrom, allowing one day for every twenty miles from their places of abode; and shall be authorized to have and receive each one dollar and four cents for every day they shall be so employed, and four cents per mile for travelling to the said jail and penitentiary, and the same for returning, besides ferriages; and such sheriff shall also be allowed all necessary expences incurred by him, as well for horses and boats impressed for the purposes aforesaid, as for the support of the prisoner or prisoners, during the time of their removal. Sheriffs and guards exempted from arrest. Travelling expences.

3. In case any horse or horses should be impressed by a sheriff, either for himself, or any of the guard, all charges on account thereof, shall be deducted out of the pay of the person using such horse or horses, and the auditor of public accounts is required to issue his warrants on the treasurer for any money allowed by this act.

4. *Provided however,* That before the sheriff attending any prisoner shall be entitled to a warrant or warrants, under this act, he shall produce to the said auditor a receipt from the keeper of the said jail and penitentiary, for the prisoner or prisoners, which he was required to convey, and make oath, that the number of men, boats and horses, impressed by him, in removing such prisoner or prisoners, and other expences thereby incurred, were in his opinion absolutely necessary. And any person impressed as a guard, by virtue of this act, before he shall receive a warrant for the sum to which he is entitled, shall make oath as to the number of days he was employed, the distance he travelled, and the ferriages paid or to be paid by him. Proviso.

5. The keeper of the said jail and penitentiary, when he shall see cause, may request the aid of the attending physician to any prisoner confined therein, the charges whereof, as well as for medicines for such prisoner, and the expences of supporting him or her, during his or her confinement, shall be paid out of the treasury, by order of the executive; which expences, as well as all others incurred for beds, bunks, blankets, sheets, coal for the manufactories, repairs of tools, and salary of the instructor, shall be charged to the convicts in such proportions as to the inspectors shall seem just. And when any prisoner shall hereafter be sentenced by a district court, to undergo confinement in the jail and penitentiary house, such prisoner shall be conveyed thereto by such sheriff as the said court shall think proper to direct; and in case of death, Physician to be employed. Charges on the prisoners.

Duty of the clerk
of county courts.

or inability to act, by such other sheriff as shall be appointed by any two justices of the peace, by warrant under their hands and seals; all expences attending the apprehension, confinement, examination and trial of such prisoner, as also of removing him or her to the penitentiary house, shall be charged to such prisoner; and that the whole of such expences may be fully ascertained, the clerks of the county and district courts shall, within thirty days after the conviction of such prisoner, make and certify as accurately as they can, to the clerk of the said jail and penitentiary, a statement of the expences attending the examination and trial of such prisoner in the said courts. And the auditor of public accounts is hereby also required within thirty days after the receipt for any prisoner or prisoners, produced to him as aforesaid, to make a like statement of the expences attending his or their removal from the district jail; and if there be more than one prisoner delivered by the same sheriff, to apportion the expences among them, and certify to the clerk of the said penitentiary the expence incurred in removing every such prisoner. And if any person entitled to compensation on account of the removal of any criminal from a district jail, shall fail to apply for a warrant for the same, before the auditor shall have given his certificate as aforesaid, no warrant shall afterwards be granted therefor.

Clerk of the peni-
tentiary to keep
regular accounts.

6. Of all expences by this act directed to be charged to the convicts, a regular account shall be kept by the clerk of the said jail and penitentiary house; which expences shall be deducted and paid out of the profits arising from the labour of such convicts during their confinement therein, in the same manner that other expences of criminals, confined in the said penitentiary, are now directed to deducted and paid.

Enacting clause.

7. This act shall commence and be in force from and after the first day of March next.

CHAP. 59.—An ACT to prevent the executive from remitting fines or amercements.

(Passed January 23, 1801.)

Fines not to be re-
mitted by the exe-
cutive.

1. *Be it enacted and declared by the general assembly*, That in future it shall not be lawful for the executive of this commonwealth to remit, mitigate or moderate any fine, or amercement, assessed or imposed, by any court of record, court martial or other power or authority authorized to assess or impose such fine or amercement unless by law the executive be expressly authorized to remit or act upon the same.

Enacting clause.

2. This act shall commence and be in force from and after the passing hereof.

CHAP. 60.—An ACT to amend the act, intituled, "an act directing what prisoners shall be let to bail."

[Passed January 23, 1801.]

Bail not allowed
in any case not
bailable, &c.

1. *Be it enacted by the general assembly*, That no person shall hereafter be bailable for any offence, which, on the twenty-fifth day of March in the year eighteen hundred, was punishable in life or limb; but if only a light suspicion of guilt fall on the party, he shall in like manner be bailable.

2. All acts and parts of acts coming within the purview of this act, shall be, and are hereby repealed.

Enacting clause.

3. This act shall be in force from the passing thereof.

CHAP. 61.—An ACT to explain in part, an act, intituled, “an act to impose certain taxes on law process, and for other purposes.”

(Passed January 23, 1801.)

Whereas doubts have arisen what taxes are now imposed on ap- Preamble.
peals from the inferior courts to the high court of chancery, and
district courts, and by whom the said taxes are to be collected, un-
der the act, intituled, “*An act to impose certain taxes on law pro-
cess and for other purposes:*”

1. *Be it therefore enacted by the general assembly,* That in lieu Tax on appeals.
of the taxes now imposed by law on such appeals, the following
taxes shall be paid, to wit: on each appeal, granted by a county or
corporation court, to the high court of chancery, two dollars; and
on every such appeal to a district court, one dollar; which taxes
shall be paid to the clerks of the respective county or corporation
courts, in open court, at the time of praying the appeal, and shall
be accounted for by the said clerks, in like manner as other taxes To be accounted
for by clerks.
received by them under the act aforesaid.

2. All acts coming within the purview of this act are hereby re- Repealing clause.
pealed.

3. This act shall commence from and after the passing thereof. Enacting clause.

CHAP. 62.—An ACT to establish a guard in the city of Richmond.

(Passed January 22, 1801.)

Whereas it is expedient in the present crisis of affairs, that pro- Preamble.
per guards should be kept for the security of public property in the
city of Richmond:

1. *Be it therefore enacted by the general assembly,* That for the Guard established.
purpose of guarding the public property in the city of Richmond,
the governor shall, with the advice of council, cause to be enlisted
a company of citizens of the United States, not exceeding sixty-
eight men, including non-commissioned officers and musicians, to
serve for three years, unless sooner discharged by law. The com-
missioned officers of the said company shall be one captain, one
lieutenant, and one ensign, who shall be appointed and commis-
sioned by the governor, with the advice of council. The pay per
month of the officers and men shall be as follows: to the captain
forty dollars; to the lieutenant thirty dollars; to the ensign twenty-
six dollars; to the sergeants each eight dollars; to the corporals
each seven dollars; to the musicians each seven dollars, and to the
privates each six dollars. And the commissioned officers, non-
commissioned officers and privates shall receive the same rations,
and the non-commissioned officers, musicians, and privates, the
same cloathing as are allowed by the laws of congress to infantry
in the service of the United States. The officers and soldiers of
the said company shall be subject to the same rules and regulations,
and to the same punishment for offences as the troops of the United
States are subject to by the laws of the United States; but in no
case shall the punishment of death be inflicted on any offender un-
der the authority given by this law. The three commissioned offi-
cers of the said company shall be sufficient to hold a court martial
for the trial of any of the non-commissioned officers, musicians or
privates; and in case of the death, absence or inability of either
of the said commissioned officers to attend the court martial for
the trial of any non-commissioned officer, musician, or private, it

Courts martial not
authorized to in-
flict capital pu-
nishment.

shall be lawful for the lieutenant colonel commandant of Henrico to summon any commissioned officer or officers of the militia, to supply such vacancy; but in every such court which shall be held, one at least of the commissioned officers of the said company shall be a member of the court. A court martial for the trial of any of the commissioned officers shall consist of thirteen members, and shall be composed of one or both of the other commissioned officers, and as many militia officers as will make a court; which militia officers shall be summoned to attend by the said lieutenant colonel commandant. The governor, with advice of council, shall contract for cloathing and rations for the guard, and shall cause them to be stationed at such place or places as he may deem expedient, and in all cases shall they be under his control.

Military stores removed to Richmond.

2. *And be it further enacted*, That the arms and stores now in the arsenal, at the Point of Fork, shall be removed to the city of Richmond, and deposited with the other public arms. If any of the guard now at the Point of Fork chuse to enlist in the said company they shall have the right to do so; those who do not chuse to enlist, together with the artificers, shall be discharged so soon as the arms are removed from the Point of Fork.

Public property at the Point of Fork to be disposed of.

3. *And be it further enacted*, That the governor, with the advice of council, be authorized to rent the public property at the Point of Fork, or otherwise provide for the safe keeping thereof, as in their judgment shall seem expedient.

Enacting clause.

4. This act shall commence from the passing thereof.

CHAP. 63.—An ACT for paying the officers of the general assembly for their services during the present session.

(Passed January 22, 1801.)

Compensation allowed to certain officers.

1. *Be it enacted*, That the allowance to the officers of the general assembly, for their services during the present session, shall be as follows, that is to say: to the chaplain, twenty dollars per week; to the clerk of the house of delegates, one hundred and forty-five dollars per week; to the clerk of the senate, seventy-three dollars per week; to the clerk of the committee of propositions and grievances, and privileges and elections, forty dollars per week; to the clerk of the committee for courts of justice, forty dollars per week; to the clerk of the committee of claims, forty dollars per week; to the sergeant at arms to the senate and house of delegates, each, thirty-seven dollars per week; to each of the door-keepers of the senate and house of delegates, twenty-one dollars per week; to Thomas Nicholson, for printing the journals of the senate, two hundred and fifty dollars; and to the person who cleans the capitol, twenty-four dollars.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 64.—An ACT to dispose of part of the ground whereon the courthouse stands in the town of Charlottesville and county of Albemarle.

(Passed January 22, 1801.)

Justices authorized to sell the public ground.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the justices of the peace of the county of Albemarle, or a majority of them, to order and direct to be laid off into lots, and to sell and convey so much of the public ground whereon the

courthouse stands, in the town of Charlottesville, as they may judge convenient and proper, and to apply the money from the sales thereof towards enlarging the said courthouse.

2. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 65.—An ACT paying Joseph Jones, William Cole and William Clark, for their services under the act, intituled, "An act making compensation for the tobacco destroyed by the burning Robert Bolling's warehouse, and for other purposes."

(Passed January 22, 1801.)

Whereas Joseph Jones, William Cole and William Clark, were, Preamble.
by an act of assembly passed the first day of January, one thousand eight hundred, appointed commissioners for the purpose of taking, examining and stating the accounts, claims and demands of the proprietors of the tobacco destroyed by the burning of Robert Bolling's warehouse in the town of Petersburg, which the said commissioners have compleated, and for which no compensation hath been provided, or made them, for their trouble therein:

1. *Be it therefore enacted*, That there shall be allowed and paid Allowances specified.
by the public, to each of them, the said Joseph Jones, William Cole and William Clark, the sum of fifty-four dollars, out of any money in the treasury.

2. This act shall commence in force from and after the passing thereof. Enacting clause.

CHAP. 66.—An ACT to authorize the court of Cumberland county to appoint a principal surveyor over Willis's river.

(Passed January 22, 1801.)

1. *Be it enacted by the general assembly*, That the court of the county of Cumberland is hereby empowered and authorized, at their next April court, and at each succeeding April court, to appoint a principal surveyor over Willis's river, whose duty it shall be to view the same, from the Cairn mills to its confluence with James river, at least once between the months of April and September in each year; and to notify to each surveyor, within the said limits, any new obstruction to navigation within his district; and each surveyor, so notified, who neglects for fifteen days thereafter, to summon the hands under him to remove such obstruction, and in case of the non-attendance of the said hands, neglects or refuses to sue for the penalties, the said hands, or their proprietors thereby incur, shall, in either case, be considered guilty of a wilful negligence of his duty, and be subject to the penalty thereby incurred. Cumberland court empowered to appoint a surveyor over Willis's river, &c.

2. Each principal surveyor, neglecting or refusing to comply with the duties assigned him by this act, shall for every such neglect or refusal, forfeit and pay the sum of forty dollars, to be recovered by presentment of a grand jury for the aforesaid county of Cumberland, or by motion, with ten days notice, before the court of the said county. All penalties recovered under this act shall be appropriated by the court of the said county towards the improvement of the navigation of Willis's river within the limits aforesaid. Penalty for neglect or refusal to act.

3. This act shall commence and be in force from and after the first day of April next. Enacting clause.

CHAP. 67.—An ACT enabling Thomas Mountjoy to discharge by instalments certain public claims against him.

(Passed January 23, 1801.)

Preamble.

Whereas a judgment hath been obtained against Thomas Mountjoy, late sheriff of the county of Stafford, for the sum of five hundred and eighteen dollars and twenty-three cents, the balance of the taxes due from the said county for the year 1787; also, one hundred and eighty-nine dollars and fifty-three cents, for damages; and twenty-six dollars and fifty-seven cents, for costs; and it is judged expedient, from the peculiar circumstances of the case, to allow the said Thomas Mountjoy to discharge the amount of the said judgment by instalments:

Instalments permitted.

1. *Be it therefore enacted by the general assembly*, That the said Thomas Mountjoy shall be allowed and permitted to pay and discharge the amount of the said judgment by two equal annual payments, the first of which shall commence and be made on or before the first day of January next: *Provided always, and be it further enacted*, That if the said Thomas Mountjoy shall fail to discharge the first annual payment, at the time fixed for that purpose, the indulgence hereby granted, to pay the amount of the said judgment by instalments, shall thenceforth cease.

Proviso.

Enacting clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 68.—An ACT for appropriating a further sum of money for completing a waggon road from the state road to the mouth of the Little Kanawha.

(Passed January 23, 1801.)

Money appropriated.

1. *Be it enacted by the general assembly*, That the commissioners appointed by law for superintending and opening a waggon road from the state road to the mouth of the Little Kanawha, shall be, and they are hereby authorized and empowered to demand and receive of the sheriffs of the counties of Wood and Harrison, or either of them, such further sum or sums of money, (not exceeding one thousand dollars,) as the said commissioners shall think necessary to complete the said road, which money the said sheriffs are hereby required and directed to pay, out of any public money in their hands, to the said commissioners, who shall grant a receipt or receipts therefor, which shall be received by the auditor of public accounts on settlement with the said sheriffs. Which money, so to be received by the said commissioners, shall be applied by them in completing the said road, in like manner as other public monies appropriated by law for that purpose.

Commissioners added.

2. *And be it further enacted*, That Hugh Phelps and Robert Kinchelve, of the county of Wood, be added as commissioners of said road, who having taken an oath, and given bond, as required by law, shall have the same powers as those heretofore appointed.

Enacting clause.

3. This act shall be in force from the passing thereof.

CHAP. 69.—An ACT concerning the several acts of assembly respecting the turnpike roads from Snigger's, Vestal's and Ashby's gaps, on the Blue Ridge to Alexandria.

(Passed January 19, 1801.)

Commissioners, how appointed.

1. *Be it enacted by the general assembly*, That the freeholders of the counties of Loudoun, Fairfax, Berkeley, Frederick and Shenandoah, shall be and they are hereby authorized at the next ensuing

election for members to represent their respective counties in the house of delegates of this commonwealth, to choose and elect for each of their counties, one fit person to serve as a commissioner; and the said commissioners or a majority of them, shall assemble and meet together at Leesburg, in the county of Loudoun, on the second Monday in May next, or as soon thereafter as may be, in order to devise a mode by which the turnpike roads leading from Snigger's, Vestal's and Ashby's gaps of the Blue Ridge mountain to Alexandria, may be repaired, and continued in a state of compleat repair; and also to devise some mode by which the debts now due by the commissioners of the aforesaid roads to individuals for services rendered may be discharged; and that the said commissioners, or a majority of them, do report to the counties of Loudoun and Fairfax, at their respective courts to be held in June, whether turnpikes ought to be erected on the said roads, and how many, and where the same ought to be fixed, and the terms upon which the same ought to be established; and if they shall judge that one or more turnpikes ought to be established, the said courts shall thereupon appoint two persons to act as commissioners upon the said roads, who shall forthwith proceed to carry into effect the recommendation of the first mentioned commissioners: and also that the said commissioners so elected, or a majority of them, do report their opinion to the legislature of this commonwealth at the next session of that body: *Provided*, That no riding carriage of any description whatever, passing up or down the country, to or from the town of Alexandria along the present stage road leading from Alexandria to Colchester, or along any of the roads between the said stage road and Potomac river, shall be subject to the payment of any toll whatever; nor shall the riding carriage or any other wheel carriage of any person be subject to the payment of any toll, whose plantation or plantations are so situated that in passing to or from the town of Alexandria they have no occasion to travel more than one half mile along the turnpike road, before they come to any turnpike gate which may be established; and to prevent imposition, every person, before he shall be entitled to the last mentioned exemption, shall obtain a certificate from two justices of the peace of his or her county, that his or her plantation is situated as before mentioned; which certificate the justices of the peace of the counties in which the persons making the application reside, are hereby empowered and required to grant either from their own knowledge or upon satisfactory proof made to them that the person or persons so applying are legally entitled thereto; and for the better information of the keepers of the turnpikes, the person or persons obtaining such certificates of exemption shall lodge them with the keeper of that turnpike at which he or she is to be exempted, who shall make a fair and distinct list of all such certificates in a book to be kept for that purpose, and shall then return the certificates to the persons to whom they were granted.

2. *And be it further enacted*, That the county court of Fauquier shall be, and is hereby empowered and required to order the male labouring tithables residing within two miles of the road leading from Ashby's gap to Alexandria, to work on the said road, in the same manner as those appointed by the county court of Loudoun.

3. *And be it further enacted*, That so much of the act, intituled, "An act for keeping certain roads in repair," as respects the afore-

Duty of commissioners.

Courts to appoint commissioners to carry into effect recommendation of first commissioners.

Report to be made to the next session of assembly.

Proviso.

The county court of Fauquier to repair a road, &c.

Repealing clause.

said Alexandria turnpike roads, and the different laws amendatory thereof, shall be, and the same are hereby repealed: and the said roads shall hereafter be kept in repair in the same manner that other public roads are now kept in repair.

Proviso.

Provided, That no tithable shall be obliged to work on any of the aforesaid turnpike-roads more than six days in any one year.

Enacting clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 70.—AN ACT to amend the act, intituled, “An act to reduce into one the several acts concerning slaves, free negroes and mulattoes.”

(Passed January 21, 1801.)

Slaves not permitted to hire themselves out.

1. *Be it enacted by the general assembly*, That if any person shall permit his or her slave, or any slave hired by him or her, to go at large or hire himself or herself out, it shall be lawful for any person, and it shall moreover be the duty of every sheriff, deputy sheriff, coroner and sergeant of a corporation to apprehend and carry such slave before a magistrate of the county or corporation where apprehended; and if it shall appear to the magistrate that such slave comes within the purview of this act, he shall order him or her to the jail of the county or corporation, there to be safely kept until the next court, when, if it shall appear to the court that the slave so ordered to jail hath been permitted or suffered to hire him or herself out contrary to the meaning of this act, it shall be lawful for said court, and they are hereby required to order the sheriff or other officer to sell every such slave for ready money, at the next court held for the said county or corporation, notice being given at the courthouse door at least twenty days before such sale: *Provided always*, That no sale pursuant to this act shall convey a greater interest in such slave than the person himself or herself had, who commits a breach of this law, unless it shall appear to the court that the owner of such slave was privy to, or connived at such breach.

Duty of magistrates.

Slaves hiring themselves out, how to be sold.

Penalty on trustees, guardians, executors, &c. permitting slaves to hire themselves out.

2. Any person who shall suffer a slave held by him or her as trustee, guardian, executor or executrix, administrator or administratrix, to hire himself or herself out contrary to the meaning of this act, shall forfeit and pay forty dollars for each and every such offence, to be recovered by any person who will sue for the same, by action of debt or information in any court of record within this commonwealth.

Money arising from the sale of slaves, how to be applied.

3. One third of the amount of the sale of every such slave shall be applied by the court ordering such sale, towards lessening the county or corporation levy, and the residue shall be paid by the sheriff or other officer, after deducting six per centum on the whole amount for his trouble and the jailor's fees, to the person who shall inform thereof, and cause the fact to be established; and where there shall be no informer, then the whole proceeds of the sale, after deducting the commissions of the sheriff or other officer and jailor's fees as aforesaid, shall be applied towards lessening the county or corporation levy.

Slaves admitted as witnesses against free negroes or mulattoes.

4. Any negro or mulatto, bond or free, shall be a good witness in pleas of the commonwealth for or against negroes or mulattoes, bond or free, or in civil pleas where free negroes or mulattoes shall alone be parties; and whereas experience has evinced that the fourth section of the act, intituled, “An act to prevent the migration of free

negroes and mulattoes into this commonwealth," is defective: For remedy whereof, *Be it enacted*, That if any slave shall hereafter be brought or come into this state from any place without the limits of the same, it shall be the duty of any magistrate of the county or corporation where such slave shall be found, upon information to him given, to cause such slave to be immediately apprehended and brought before him, or some other magistrate of the county or corporation, who, upon satisfactory evidence had, shall commit such slave to the jail of his county or corporation. And the magistrate so committing shall forthwith give notice to the governor of his proceedings, who, with the advice of council, shall take such steps for the removal and transportation out of this commonwealth of the slave or slaves so committed, at the public expence, as they in their discretion may think proper. And the expences so incurred shall be paid by the person importing or holding such slave so removed; and shall be recoverable against every such person as aforesaid, his or her executors and administrators, in the name of the governor of the commonwealth for the time being, by motion or suit, in which every such person may be held to bail, in any court of record in this commonwealth: *Provided*, ten days previous notice be given of such motion to the persons to be affected thereby: *Provided also*, That the governor shall have power to order such slave to be sold and transported without the limits of this commonwealth, if the person holding or importing said slave be unable to reimburse the commonwealth the expense of commitment, removal and transportation: *Provided also*, That nothing herein contained shall be construed to repeal the fourth section of the act, intituled, "*An act to reduce into one the several acts concerning slaves, free negroes and mulattoes.*"

Duty of magistrates, where slaves are brought or come into this state.

Executive to remove or transport such slaves at public expence.

The commonwealth to be reimbursed by the importer or holder of such slave.

5. *Be it further enacted*, That it shall be the duty of every commissioner of the revenue, annually, to return to the court of his county or corporation, at the time he returns a list of taxable property, a complete list of all free negroes or mulattoes within his district, together with their names, sex, places of abode, and particular trades, occupation or calling, a copy of which list shall be fixed by the clerk of the said county or corporation, at the courthouse door, and the original be deposited for safe keeping in his office; every commissioner of the revenue or clerk of a court, failing in said duty, shall forfeit and pay the sum of twenty dollars, to be recovered by motion or information, one half to the use of the county or corporation, and the residue to any person who shall sue for the same.

Commissioner of the revenue, annually to return a list of all free negroes and mulattoes within his district.

Penalty on commissioners or clerks failing in their duty.

6. If any free negro or mulatto so registered, shall remove into another county, it shall and may be lawful for any magistrate of the county or corporation in which he or she may intrude, to issue a warrant to apprehend said free negro or mulatto; and if upon examination it be found that he or she has no honest employment by which to maintain him or herself, such free negro or mulatto shall be deemed and treated as a vagrant.

Free negro or mulatto registered, how to be treated, removing into another county or corporation.

7. All the courts of law within this commonwealth shall constantly give this act in charge to the grand juries of their courts, at the times when such grand juries shall be sworn.

8. All acts and parts contrary to this act, shall be, and the same are hereby repealed.

Repealing clause.

9. This act shall commence in force from the first day of June next.

Enacting clause.

CHAP. 71.—An ACT in addition to the act, intituled, "An act to amend the penal laws of this commonwealth."

(Passed January 21, 1801.)

Penalty on persons delivering or surrendering citizens or other persons to be transported, &c.

1. *Be it enacted by the general assembly*, That any person who shall hereafter, of his own free will and accord, or by the persuasion of, or combination with any foreign agent, or any other person, being an alien, or a citizen of this commonwealth, or of any other of the United States, deliver up or surrender, or cause to be delivered up or surrendered, either by his own authority, or under colour of any office whatsoever, held, or claimed to be held, under the authority of this commonwealth, any citizen of this commonwealth, or of any other of the United States, or any other free person whomsoever, being within the limits of this commonwealth, and entitled to the protection of the laws thereof, during his residence therein, to be transported beyond sea, or elsewhere, without the United States, shall on conviction of every such offence, be adjudged a felon, and sentenced by the court before whom such conviction shall be had, to undergo a confinement in the jail and penitentiary house, for a term not exceeding ten years nor less than one year, and during such term, be compelled to perform such labour, and be subjected to such rules and regulations, in other respects, as is prescribed by law in the case of other felons condemned to serve in said house.

A person delivering or surrendering another who shall be executed, to be deemed a felon.

2. *And be it further enacted*, That in case any person so delivered up or surrendered as aforesaid, shall be transported by sea or land, to any place without the jurisdiction of the courts of this commonwealth, or of any other of the United States, and at such place shall be tried and condemned by any court, either civil or military, for any criminal offence pretended to have been committed by such person at any place whatsoever, and, in consequence of such condemnation, shall be actually executed under the authority of the court passing sentence upon him, then all and every person or persons concerned in such delivery and surrender shall, on conviction thereof, and due proof made of such condemnation and execution as aforesaid, be adjudged a felon, and suffer death in like manner as aiders, abettors and counsellors of murder in the first degree are directed to be punished in and by the fourteenth section of the act, intituled, "*An act to amend the penal laws of this commonwealth.*"

3. *And be it further enacted*, That all the duties required by the said recited act to be performed by the court of the city of Richmond shall hereafter be performed by the governor with the advice of council, any thing in the said recited act to the contrary notwithstanding.

Enacting clause.

4. This act shall commence and be in force from the passing thereof.

CHAP. 72.—An ACT to amend the act, intituled, "An act to revive and amend the act, intituled, 'an act for improving the navigation of Appomattox river, from Broadway to Pochantun bridge.'"

(Passed January 22, 1801.)

Rates of toll.

1. *Be it enacted by the general assembly*, That it shall be lawful for the president and directors of the Appomattox company to demand and receive, at the place called the Bake house, on the river Appomattox, or at such other places above that, as the said president and directors shall appoint, tolls from vessels drawing five feet

water, for their passage, by or through the said places, according to the following table and rates, to wit: On vessels drawing five feet, one shilling and six pence per foot; on vessels above five and not exceeding five and a half feet, three shillings per foot; of vessels of five and a half, and not exceeding six feet, three shillings and nine pence per foot; on vessels of six, and not exceeding six and a half feet, four shillings and six pence per foot; on vessels of six and a half, and not exceeding seven feet, five shillings and three pence per foot; which tolls are rated in money, and may be discharged in gold or silver coin, at their current value. The tolls herein before allowed, to be demanded and received, shall be paid on condition only, that the said Appomattox company shall make the said river capable of being navigated, in any season, from Broadway to Pocahuntas bridge, by vessels drawing seven feet water: And in case the company shall not begin the said work within two years from the passing of this act, and compleat the same within seven years after it is begun, then the said company shall not be entitled to any benefit or privilege under this act: *Provided nevertheless*, That nothing within this act contained shall prevent the future control of the legislature over the rates established.

2. *And be it further enacted*, That the seventh section of the Repealing clause. act passed at the last session, intituled, "*An act to revive and amend the act, intituled, 'an act for improving the navigation of Appomattox river, from Broadway to Pocahuntas bridge,'*" shall be, and is hereby repealed.

3. This act shall commence and be in force from and after the Enacting clause. passing thereof.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY, THE SEVENTH DAY OF DECEMBER, ONE THOUSAND
EIGHT HUNDRED AND ONE.

CHAP. 1.—An ACT laying taxes for the support of government.

(Passed January 25, 1802.)

1. *Be it enacted by the general assembly*, That the public taxes ^{Taxes on lands, slaves and other property.} for the year one thousand eight hundred and one, shall be as follows, to wit: On lands for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been, or shall be exempted, by reason of age or infirmity by the respective county or corporation courts, forty-four cents; for every stud horse and jack ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four-wheeled riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel; for all phaetons and stage waggons, eighty-four cents per wheel; and for every other riding carriage with two wheels, forty-three cents per wheel; for all lots and houses in town, one dollar and fifty-six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such house or lot is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value, shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare, on oath or solemn affirmation, what is the amount of the rent paid for the same; and every person so called on, and refusing to declare, shall forfeit and pay the sum of three hundred

dollars, to be recovered by motion, on ten days previous notice to be made by the commissioners of the revenue or either of them: *Provided*, That no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship, or seminary of learning; every covering horse or jack ass which shall not be duly entered with the commissioners of the tax, and all such horses and asses brought into this commonwealth, subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place at which he shall stand, upon whom it shall be distrainable by the sheriff, as if it had been entered in the commissioner's book; for two thirds whereof the sheriff shall be accountable to the public, and in case of failure to pay the same, shall forfeit two hundred dollars, to be recovered with costs, on motion, after ten days notice by the auditor, for the use of the commonwealth: *Provided*, That any person so bringing such horse or ass into the state, entering him with the commissioner within ten days thereafter, and paying the tax to which he would have been liable had he been duly entered, to the sheriff or collector, shall be absolved from the said penalty, and the said commissioners shall subjoin the said horse or ass to the list of taxables.

On licenses to
sell merchandize.

2. *And be it further enacted*, That upon any person's producing to the commissioner of the revenue for the county, district or corporation, or to the clerk of the court, if there be no commissioner, a receipt for the sum of forty dollars paid to the sheriff or collector, such commissioner shall grant to such person, a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time. And if any person shall sell such merchandize either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay five hundred dollars, to be recovered by the commissioner in any court of record, on ten days previous notice, and to be paid to the sheriff for the use of the commonwealth; of which licenses and fines, the commissioners shall annually in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying names, which shall be good evidence whereupon to charge the sheriff or collector: *Provided always*, That if there be no sheriff or collector, the clerk of the court shall have a right to receive the tax, to be accounted for in like manner as other taxes by him received, which receipt being produced to the commissioner of the revenue, such commissioner shall grant to such person a license to sell in the same manner as if the money had been paid to a sheriff or collector: *Provided nevertheless*, That not above one tax shall be paid on account of so selling at one and the same store; and if any person shall possess two or more stores, he or she shall pay one tax for each store: *And provided also*, That nothing contained in this or any other act shall be so construed as to impose a tax on planters or farmers, for* selling salt, iron or steel to their neighbours, purchased as a return load for their produce carried in their waggons or otherwise to market. All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for and during the term of one year: *Provided*, That

Only one tax to be
paid for selling at
one store.

No tax to be re-
ceived for selling
salt, &c. in cer-
tain cases.

*from in the roll.
[the in the roll.

if any new store shall be opened on land, between the first day of May, and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year; and its amount shall be specified in the license, and in the commissioner's return.

3. *And be it further enacted*, That the act concerning hawkers and pedlars shall be so construed as to make it necessary for each hawker and pedlar to obtain a license, that it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act; and on such report it shall be the duty of the said court to direct process against all delinquents so reported.

Hawkers and pedlars to obtain licenses.

Proceedings against them for failing to do so.

4. *Be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandize, shall, in the court of each county in which he offers goods for sale, enter of record his license obtained for vending goods, wares and merchandize, for which he shall pay twenty-five cents to the clerk; and in case of failure each hawker and pedlar shall be subject to the same penalty as if he had no such license. The clerk of each court shall, on each court day throughout the year, cause a list of such licenses as are recorded by him to be stuck up in some public place in the courthouse, expressing when each license was granted, when it will expire, and by what court it was granted, and in case of failure, such clerk, for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners, in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant of the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid. Clerks of courts shall annually on or before the first day of October, return to the auditor a list of all hawkers and pedlars' licenses granted by their respective courts previous to the first day of September in every year, and every clerk neglecting this duty shall forfeit fifty dollars, to be recovered in the general court, by motion on ten days previous notice. The clerks of courts shall also, on or before the fifteenth day of December in every year, account on oath to the auditor of public accounts, for all taxes received by them by virtue of their offices, previous to the first day of September in such year. So much of the act passed at the session of assembly which commenced in December one thousand seven hundred and ninety-eight, entitled, "*An act to impose certain taxes on law process, and for other purposes*," as is contrary hereto, shall be and is hereby repealed.

Licenses of hawkers and pedlars to be recorded.

Duty of clerks relative to such licenses.

Clerks of courts to return an account annually of taxes received by them.

5. And for the more effectual collection of the taxes as aforesaid, and others which may become due to the commonwealth, *Be it further enacted*, That ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector, or notary public, for the purpose of recovering a judgment for any taxes, fines or public dues of any kind, where by law the auditor is authorized to proceed against them, or any of them, by motion. No sheriff or collector shall at any time be allowed to return any list of insolvents, or have any credit therefor after twelve months shall have expired from the period of the taxes becoming payable by such sheriff or collector to which such list relates. A commission of five

Sheriffs and others to have notice of motion.

- per cent., and no more, shall be allowed the sheriffs and collectors for the collection of taxes on licenses to be granted to merchants under this act, and on license[†] to be granted to hawkers and pedlars under an act, entitled, "*An act concerning hawkers and pedlars,*" any law to the contrary notwithstanding.
- † So in the roll.
- Duty of commissioners. 6. A list of all licenses granted to merchants shall be returned by the commissioner granting the same to the county or corporation courts for their examination, after which the said lists shall be delivered to the said sheriffs or collectors, who shall annually, on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury.
- Commencement. 7. This act shall commence and be in force from and after the passing thereof.

CHAP. 2.—An ACT to appropriate the public revenue.

[Passed February 1, 1802.]

Taxes to constitute a general fund.

Appropriation thereof.

1. *Be it enacted by the general assembly,* That all taxes, and arrearages of taxes, except arrearages of taxes due prior to the year eighteen hundred, and all other branches of revenue which shall arise to the commonwealth prior to the first day of January, eighteen hundred and three, shall constitute a general fund, and be appropriated in the following manner, to wit: to the payment of all unsatisfied warrants charged on the said taxes by the act of the last session of assembly appropriating the public revenue; to the payment of forty thousand dollars for the expenses of the general assembly at their next session; sixty-one thousand dollars to the officers of civil government; four thousand five hundred dollars to the officers of militia; twelve thousand five hundred dollars, the expenses of examining and trying criminals in the county and district courts; six thousand dollars for slaves that may be executed; two thousand dollars for slaves that may be transported; four thousand dollars for expenses of guards over criminals in the county and district jails; five thousand dollars for the lunatic hospital; thirteen thousand five hundred dollars to the commissioners of the revenue; four thousand five hundred dollars to pensioners; one thousand dollars to the Upper Appomattox canal company; two thousand dollars for the Dismal Swamp canal company; fourteen thousand dollars to the guard to be kept at Richmond; twenty-one thousand dollars for completing the arsenal and manufactory of arms; forty-six thousand dollars artificers pay, and for materials, including tools for carrying on the said manufactory; two thousand five hundred dollars for removing criminals from the district jails to the penitentiary house; four thousand dollars for charges on account of criminals confined in the penitentiary house; twenty thousand dollars for completing the penitentiary buildings; seven thousand five hundred dollars for charges on account of public warehouses; one thousand seven hundred dollars for public services of clerks of district courts; twenty-eight thousand two hundred and thirty dollars for interest on paper money funded, interest on military certificates, and interest on loans, including interest on money paid into the treasury for British debts; sixty-three thousand seven hundred and seventy-three dollars for the purchase of arms under contracts heretofore entered into by the executive; one thousand dollars for collecting and preserving the public ordinance; twenty thousand dollars for the payment of all sums directed to be paid by the present general assem-

bly, for which no provision has been made; and twelve thousand dollars for contingent expenses, not including therein such as may be incurred for repelling invasions or suppressing insurrections, and such other cases as may result from necessity.

2. *And be it further enacted*, That all certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth, shall be receivable by the sheriffs or collectors in the collection of all arrearages of taxes due prior to the year one thousand seven hundred and ninety-eight; and the said certificates shall be received by the treasurer from the sheriffs or collectors in discharge of the aforesaid arrearages of taxes; lists of licenses granted to merchants and to hawkers and pedlars, and directed to be returned to the auditor's office, on or before the first day of October in every year, shall be made up to the first day of September in the same year, and the dates of the said licenses, as well as the names of the persons to whom they have been issued, shall be specified in the said lists. Certificates receivable for arrears of certain taxes.
Lists of licenses to merchants, &c. how to be made up.

3. All acts and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed. Repealing clause.

4. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 3.—An ACT to amend and reduce into one act the several acts concerning pilots, and regulating their fees.

(Passed January 23, 1802.)

Whereas great inconvenience is experienced from the multiplicity of laws on the subject of pilots, which will be better understood and observed, if amended, and brought into one view: Preamble.

1. *Be it therefore enacted by the general assembly*, That Paul Loyal, and Robert Barron of Norfolk, William Tea, and William Pritchett of Portsmouth, and Edward Cooper, James Latimer, James Cunningham, Francis Ballard, John Parish, James Wood, and William Banks, be, and they are hereby appointed examiners, any three of whom may examine and admit as pilots those who are qualified according to the regulations hereinafter expressed. Examiners appointed.

2. Every examiner now, or hereafter to be appointed, shall, before he enters on the duties of his office, take an oath before the court of the county where he resides, that he will faithfully and impartially execute the duties by this act enjoined. To take an oath.

3. Whenever a vacancy shall happen by the death or resignation of any examiner, the court of the county or corporation where the examiner so dying or resigning resided, shall and may appoint some proper and discreet person to fill such vacancy: *Provided*, a majority of acting magistrates are present when such appointment is made. Vacancies in examiners, how filled.

4. Every person applying to be examined, shall produce a certificate from the court of the county or corporation where he resides, of his honesty and good demeanor, and that he is a citizen of this commonwealth; and moreover, shall produce satisfactory proof to the examiners of his having served as an apprentice to some branch pilot in this state, for the term of five years. If, upon such examination, such person be found properly qualified to act as a pilot, the examiners, or any three, shall grant him a branch, upon his paying down to them five dollars, and entering into bond with such security as the board of examiners shall approve, in the penalty of Persons applying to be examined, to produce certain certificates, &c.
Branches to be given to those qualified.
Fee therefor.
Bond, &c. to be given on obtaining a branch.

five hundred dollars, payable to the governor for the time being and his successors, with a condition for the faithful performance of the duties required by this act; which bond shall be lodged in the clerk's office of the county or corporation where it may be executed, and may be sued at the instance of any person injured by a breach of the conditions thereof.

Pilots to be arranged into classes.

5. All pilots within this commonwealth shall be arranged into three classes, and distinguished by the numbers—first class—second class—third class: And, in every branch to be granted under the authority of this act, the examiners who grant, shall distinguish to which class the pilot obtaining a branch shall belong.

To take charge of vessels according to their classes.

6. The pilots belonging to the first class, shall alone have power to pilot and conduct vessels of every burthen and description; those belonging to the second class shall be confined to conducting and piloting such vessels whose draught of water shall not exceed twelve feet; and the third rate pilots shall be confined to the piloting vessels whose draught of water shall not exceed nine feet.

Removal out of state a disqualification.

7. Every person removing out of this commonwealth, after having obtained a branch as aforesaid, shall be incapable to act as a pilot, and his removal shall be considered as vacating his branch; and such person acting thereafter as a pilot, shall be subject to the like penalties as those are subject to by this law, for acting as pilots without having a proper boat, or without obtaining a branch.

Pilots to keep sufficient boats.

8. No person shall undertake the business of a pilot, although he may have received a branch as aforesaid, unless he or the company to which he belongs, shall keep one sufficient boat of eighteen feet keel at least, under the penalty of one hundred and fifty dollars, which may be recovered in any court of record in this commonwealth, by any person who will sue for the same, by action of debt, in which he or they may be held to bail: And if any person, without having and obtaining a branch as aforesaid, shall undertake to conduct any vessel from sea, to and from the places herein after mentioned, he shall incur the penalty of thirty dollars, to be recovered in like manner: And moreover, every such person shall be liable for all damages occasioned by his piloting, which may be recovered by action, in any court of record in this commonwealth, by any person injured: *Provided*, That this act shall not extend to prevent any person from assisting a vessel in distress, so as he or they deliver up such vessel to the pilot, who shall offer to undertake the conducting of her, for which such assistant shall and may demand and receive from the said pilot, half the fees allowed for pilotage by this act.

Penalty on persons for piloting without authority.

Proviso as to vessels in distress.

Not more than four pilots to be in partnership.

9. No more than four pilots shall be in partnership under the penalty of one hundred dollars each; to be recovered with costs by any person suing for the same.

Pilot boats to be marked.

10. Every pilot boat shall have her name, and the port to which she belongs, marked ten feet below the head of her foresail, on each side thereof in letters of at least nine inches in length; otherwise the owner or owners shall not be entitled to the fees allowed by this act.

Apprentices allowed to pilot in certain cases.

11. If any branch pilot shall have an apprentice, who shall be adjudged by a board of examiners, qualified to conduct and pilot a vessel, such apprentice may, upon receiving a copy of his master's branch, with the name of the pilot boat, and the port to which she belongs, endorsed thereon by a board of examiners, (who shall also endorse the class to which the said master belongs) take charge of,

and conduct any vessel rated according to his class: And no branch pilot shall be at liberty to take from such apprentice any vessel which he may have in charge.

12. *And be it further enacted*, That it shall be lawful for any pilot belonging to this commonwealth, who first meets a vessel coming from sea, to take charge of and conduct her into Hampton road, York river, or Mobjack bay, and to receive the fees allowed by law for piloting vessels to the aforesaid places; from whence any pilot having a branch which will authorize him to conduct her to the port to which she is destined, may and shall take charge of such vessel. Rules for pilots.

13. If any pilot or his apprentice, who may be authorized as this act requires, shall negligently or by misconduct, lose any vessel in his charge, and such negligence or misconduct be satisfactorily proved before the examiners, such pilot shall be suspended for a time not exceeding six months; and moreover shall be liable to the party injured, for all damages occasioned by such negligence or misconduct. Penalty on pilots for losing vessels.

14. The pilot who first meets a vessel coming into this commonwealth, shall enquire into the health of her crew, and the place from which she last came; and if she came from any place from whence vessels coming are required to perform quarantine, he shall immediately direct her to follow his vessel, strictly attending to her, and conducting her to the nearest place for vessels to perform quarantine; and such pilot shall, as soon after as possible, give notice to the superintendant of quarantine at the port nearest such place, if there be one, of the arrival of such vessel; for which extra trouble the pilot shall be allowed seven dollars, to be paid by the master or owner of such vessel; and if any pilot conducting such vessel, shall fail to give notice to the superintendant as aforesaid, he shall, upon complaint and due proof of such failure, be suspended by the examiners for a term not exceeding two months; and if any pilot shall be decoyed on board any vessel in which there is a contagious disease, and be thereby obliged to remain on board, and perform quarantine, such pilot shall be allowed and paid by the master or owner thereof, three dollars for every day he shall be so detained. Duty of pilots meeting vessels.

And, to the end that all pilots may be properly informed, when vessels coming into this state from any place shall be bound to perform quarantine, the governor of this commonwealth for the time being, is hereby required, whenever he shall issue a proclamation to that effect, to transmit to the superintendant of quarantine, so many copies thereof as he may think proper; and the superintendant shall forthwith cause to be delivered to each pilot a copy of such proclamation. Penalty for neglect.

15. *And be it further enacted*, That the rates of pilotage on American vessels shall hereafter be as follows, to wit: From sea to Hampton road twelve dollars, and from Hampton road to sea seven dollars and fifty cents, and for each foot of depth of water the vessel draws; from Hampton road or Seawell's point to Norfolk or Portsmouth eighty-eight cents per foot; to Sleepy hole or Lookout one dollar and three cents per foot; to Pagan creek eighty-eight cents per foot; to Jamestown one dollar and ninety-four cents per foot; to Martins Brandon two dollars and twelve cents per foot; to Flowerde Hundred two dollars and twenty-five cents per foot; to City Point or Bermuda Hundred two dollars and eighty-seven cents Allowance to pilots decoyed on board vessels in certain cases.

Duty of governor in issuing proclamations relative to quarantine.

Rates of pilotage on American vessels.

per foot; to Four mile creek three dollars and forty-eight cents per foot; to Osborne's three dollars and eighty-seven cents per foot; to Warwick four dollars and thirty-four cents per foot; to Richmond four dollars and sixty-three cents per foot. On York river, coming from sea to Yorktown twelve dollars; from Yorktown to sea seven dollars and fifty cents; from Back river or Egg island to Yorktown six dollars; from Yorktown to West Point one dollar and thirty-three cents per foot; to Cumberland one dollar and sixty-three cents per foot; to the highest landing on Pamunkey river two dollars and seven cents per foot; to Shepard's one dollar and forty-seven cents per foot; to Meredith's, Moore's, or the highest landing on Mattapony one dollar and ninety-seven cents per foot; from Cape Henry to any river on Mobjack bay, twelve dollars; and from Mobjack bay to sea seven dollars and fifty cents; from the Capes to Urbanna fifteen dollars; and from Urbanna to sea twelve dollars; from Urbanna to Tappahannock one dollar and forty cents per foot; to Naylor's hole one dollar and thirty-eight cents per foot; to Leed's or Micou's two dollars and thirteen cents per foot; to Port Royal two dollars and ninety-seven cents per foot; to Fredericksburg three dollars and seventy cents per foot; from sea to Piankatank fifteen dollars; and from Piankatank to sea twelve dollars.

16. *Be it enacted*, That the rates of pilotage from Cape Henry up the Potomack river as high as the Eastern branch shall be as follows: From the Cape to Smith's point, on South Potomack coming from sea twenty-five dollars, and for going out twenty dollars and eighty-three cents; from Smith's point to Coan or Yeocomico seventy-four cents per foot; to Machadock eighty-four cents per foot; to Upper Machadock one dollar and twelve cents per foot; to Nangomy one dollar and thirty-seven cents per foot; to Boyd's hole one dollar and forty-seven cents per foot; to Quantico one dollar and fifty-eight cents per foot; to Occoquan one dollar and seventy-eight cents per foot; to Piscataway two dollars and ten cents per foot; to Alexandria two dollars and forty-eight cents per foot; and to the Eastern branch two dollars and sixty-two cents per foot; and the pilots shall and may demand the same rates for each foot back from the aforesaid places.

Additional pilotage on foreign vessels.

Rates for piloting ships of war.

17. The pilots shall be, and they are hereby entitled to demand and receive from foreign vessels one fourth in addition to the foregoing rates: *Provided*, That coasting vessels shall not be obliged to take a pilot. Every pilot taking charge of a ship of war, shall be entitled to receive in lieu of pilotage allowed by this act, the following prices: For ships of war above fifty guns, from Cape Henry to Hampton road twenty dollars; for ships under fifty and above twenty guns fifteen dollars; from Cape Henry to Yorktown, for ships above fifty guns twenty-four dollars; ships under fifty guns and above twenty guns eighteen dollars; from Cape Henry to any river on Mobjack bay twenty-five dollars; from the Cape to Smith's point on South Potomack forty-five dollars, and the same prices back.

Allowance to pilots detained by the vessel's not being ready.

18. And when any master of a vessel shall give reasonable notice to the pilot he shall employ, of the time and place such master shall appoint for his attendance, and such pilot shall attend accordingly, he may demand and receive one dollar and seventy-five cents for every day he shall be detained by such master's not being ready to proceed according to his notice.

19. And in all cases hereafter, when a vessel shall be outward bound and anchored in Hampton road, and the master shall detain a pilot, after a fair wind offers for going to sea, such pilot shall be entitled to demand one dollar and seventy-five cents for every day he shall be detained: *Provided*, That the same shall not extend to vessels falling down into Hampton road, and not intending immediately to proceed to sea; in which case the master may discharge the pilot.

20. And if any pilot, not being hindered by sickness or other lawful cause, shall refuse when requested by the master of any vessel, to go on board and conduct her, such pilot shall upon complaint and satisfactory evidence before the board of examiners, be suspended for such time as they shall think fit: And if any injury shall arise to the master in consequence of such refusal, such pilot shall be answerable to him for all damages, to be recovered by action in any court of record within this commonwealth.

Penalty on pilots refusing to do their duty.

21. Every master of a vessel carrying a pilot to sea, shall pay to such pilot the same wages as the mate of such vessel receives.

Allowance to pilots carried to sea.

22. Every pilot who shall attend any vessel with his boat, at the request of the master or owner, shall be allowed and paid seven dollars per day for such attendance.

To pilots attending with their boats.

23. Every captain or master of a vessel, shall receive a branch pilot, if one offers, to conduct his vessel out to sea from the port of lading.

Captains or masters of vessels to receive pilots.

24. The fees allowed by this act, for piloting a vessel into this commonwealth, shall only be paid when a pilot has boarded a vessel without the Capes of Virginia, or opposite to them; if the vessel be boarded by a pilot within the Capes, he shall be entitled to demand only half of the fees before specified into Hampton road.

Regulation as to fees of pilots.

25. The consignees or supercargo of any vessel, not owned by a citizen residing in this state, shall be liable for the pilotage, if not paid by the master.

26. And in order that strangers and others may not be imposed on in the rates of pilotage, by this act allowed, *Be it enacted*, That every pilot appointed under the authority of this act, shall be obliged, when in the execution of his duty, to carry with him a copy thereof, and shall produce the same, if demanded by any master or owner of a vessel which he may conduct, before he shall be entitled to receive his pilotage from them, or either of them; and if any pilot shall demand or receive greater fees for any services rendered, under the authority of this act, than he is allowed, he shall forfeit and pay to such master or owner double the amount by him received, to be recovered by action of debt in any court of record within this commonwealth.

Pilots to carry with them a copy of this act.

Penalty for demanding more than legal fees.

27. No negro or mulatto shall, after the passing of this act, obtain a branch as a pilot: *Provided however*, That this prohibition shall not extend to or affect any such person now having a branch.

Branches not to be given to a negro or mulatto.

28. The public printer shall furnish the examiners with one hundred copies of this act; one of which copies, signed by three of the said examiners, shall be delivered to each pilot.

Examiners to be furnished with copies of this act.

29. All and every act and acts, clauses and parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Repealing clause.

30. This act shall commence and be in force from and after the first day of April next.

Commencement.

CHAP. 4.—An ACT to amend an act, entitled, “an act empowering the governor to transport slaves condemned when it shall be deemed expedient.”

[Passed December 23, 1801.]

Owners to be paid for their slaves directed by the executive to be sold or transported.

1. *Be it enacted by the general assembly*, That so soon as the executive shall determine on the sale or transportation of any slave or slaves under the act, entitled, “*An act to empower the governor to transport slaves condemned when it shall be deemed expedient*,” the owner or owners thereof shall be immediately paid in the same manner as for slaves executed. Any law to the contrary notwithstanding.

2. This act shall be in force from and after the passing thereof.

CHAP. 5.—An ACT concerning the glebe lands and churches within this commonwealth.

[Passed January 12, 1802.]

Preamble.

1. Whereas the general assembly on the twenty-fourth day of January, one thousand seven hundred and ninety-nine, by their act of that date repealed all the laws relative to the late protestant episcopal church, and declared a true exposition of the principles of the bill of rights and constitution respecting the same, to be contained in the act, intituled, “*An act for establishing religious freedom*,” thereby recognizing the principle, that all property formerly belonging to the said church, of every description, devolved on the good people of this commonwealth, on the dissolution of the British government here, in the same degree in which the right and interest of the said church was derived therein from them. And although the general assembly possesses the right of authorizing a sale of all such property indiscriminately, yet being desirous to reconcile all the good people of this commonwealth, it is deemed inexpedient at this time to disturb the possession of the present incumbents:

Overseers of the poor to sell glebe lands in certain cases.

2. *Be it therefore enacted by the general assembly*, That the overseers of the poor and their successors, or a majority of them within each county of this commonwealth, wherein any glebe land is vacant, or shall become so, by the death or removal of any incumbent, shall have full power and authority, and they, or a majority of them, are hereby directed, on giving at least thirty days public notice, at the front door of the courthouse of their county, to sell all such lands and appurtenances, and every other species of property incident thereto, on the premises, to the highest bidder, on twelve months credit, taking bond with good security for the amount thereof, payable to themselves and their successors: *Provided*, That no sale of any such property shall take place, where any person is in possession thereof, under a lease from any person or persons in behalf of the said church, whether called trustees or not, prior to the passing of this act, until the said lease shall expire; and all sums of money or tobacco due thereon, or to become due, shall be recovered by action in the names of the said overseers of the poor or their successors, in any court of record within this commonwealth; that the said overseers of the poor, or a majority of them conducting every such sale, or their successors, on receiving satisfactory security for the amount thereof, be, and they are hereby authorized and directed, to convey all such property sold by them as aforesaid, to the purchaser or purchasers thereof, by good and sufficient deeds for that purpose; that in all

To execute deeds therefor.

cases where any person or persons may have received any sum or sums of money or tobacco, for the use of the episcopal church as established under the former government, and shall not have paid the same as directed by law, the said overseers of the poor and their successors, or a majority of them, shall be entitled to receive the same, and on non-payment thereof, to recover it by action in any court of record within this commonwealth: That when any person or persons, other than an incumbent or his tenant, shall have had the use of any glebe land or other property incident thereto, and may not regularly have accounted for the profits of the same, they shall hereafter account to the said overseers of the poor, or a majority of them, of the county in which such property lies, and in case any such person or persons, their executors or administrators refuse to account accordingly, the said overseers of the poor or their successors may sue for and recover the same in any court of record within this commonwealth. That in all cases where such property is in possession of any incumbent or his tenant, either or both of them shall be restrained from the commission of waste, in like manner as other tenants for life or years may be by the said overseers or their successors, in whom the right of action for that, and the purpose of carrying this act into effect, is hereby vested. That in every case where the overseers of the poor or any one or more of them in any county, shall have good reason to believe that the incumbent therein shall be about to remove any or the whole of the personal estate, which he holds as formerly belonging to the episcopal church, from such county, they or any one or more of them shall, upon application to any magistrate therein, obtain from him an attachment, which he is hereby authorised to grant, against the estate so about to be removed, upon the execution of which, and the return thereof being made to the next court of such county, the said court may compel the said incumbent on due proof thereof, to give bond with sufficient security, not to remove the said property or any part thereof, from the premises, and in case of refusal, the said court may order the said property to be delivered to the said overseers of the poor and their successors, or a majority of them, to be by them disposed of as in other cases: That in all cases where there shall be any just demand unpaid by any parish, the said overseers of the poor and their successors, or a majority of them, in every county comprehending such parish or the greater part thereof, shall from any of the funds aforesaid, before they are otherwise applied, pay the same; and shall then be entitled to a credit with the overseers of the poor of the county comprehending the residue of such parish, for their proportion thereof: That in cases where a glebe shall be in, or a parish run into, more counties than one, the overseers as aforesaid of the county wherein the glebe or the greater part thereof, shall lie, shall sell the same as aforesaid; and in all cases the said overseers and their successors, or a majority of them, shall appropriate the money arising therefrom either to the poor of such parish or to any other objects, which a majority of the freeholders and housekeepers therein may direct, by a writing from under their hands directed to the said overseers: And in all other cases the money arising therefrom as aforesaid, shall be by the said overseers of the poor, or a majority of them in the counties respectively, applied in like manner, unless directed otherwise as aforesaid: *Provided*, That nothing herein contained

To recover debts due for the use of the church.

Incumbent and tenants restrained from committing waste in glebe lands, &c.

And from removing the personal property.

Overseers of poor to pay debts due from parishes.

A glebe lying in more counties than one how to be sold.

Appropriation of the money.

shall authorize an appropriation to any religious purpose whatsoever. That the said overseers of the poor or a majority of them, or their successors, shall meet as often as they may deem it necessary, for the purpose of carrying this act into effect: That the overseers of the poor, and their successors in each county where any such property remains, shall perform all the duties required of them respectively by this act, under the penalty of two hundred dollars each, to be recovered in any court of record, by any one who will sue for the same. That the said overseers and their successors, or a majority of them, who shall perform the duties hereby required, shall be entitled to receive for advertising, selling and conveying any of the said property, a commission of three per cent. and for collecting and appropriating any of the funds by them received, three per cent. more; and shall be accountable to their successors as in other cases. That nothing herein contained shall authorize a sale of the churches and the property therein contained, or the church yards, nor in any manner *affect any private donation made prior to the first day of January, one thousand seven hundred and seventy-seven, for church and other purposes, where there is any person in being entitled to take the same under any private donor; nor to affect the property of any kind which may have been acquired by private donations or subscriptions by the said church, since the date last mentioned.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 6.—An ACT authorizing the governor of this commonwealth to cede to the United States the jurisdiction over certain lands on New-point Comfort, and on Smith's Point, for the purpose of building light houses.

(Passed January 15, 1802.)

Governor to convey lands on New-point Comfort, &c. to U. States.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for the governor of this commonwealth, and he is hereby fully authorized, for and in behalf of this commonwealth, by proper deeds and instruments of writing, under his hand and the seal of the commonwealth, to convey, transfer, assign and make over to the United States, all the jurisdiction which this commonwealth possesses over so much of the lands lying on New-point Comfort in the county of Mathews, and on Smith's Point in the county of Northumberland, as may be necessary for the erection of a light house and the appurtenant buildings thereto on each of the said points: *Provided*, That a light house shall be erected, kept in repair, and supported at the expense of the United States, on each of the said points.

Lands to revert to the state in certain cases.

2. If a light house shall not be erected on each of the said points within the space of seven years after the cession aforesaid by this commonwealth, or if at any time thereafter the said light house or houses shall be suffered to fall into decay, or be rendered useless as the purposes aforesaid, and so continue for the period of seven years, then and in those cases, the jurisdiction over such territory hereby directed to be vested in the United States, shall revert to this commonwealth, and be subject to the jurisdiction of the same, in like manner as if this act had never been made: *Provided*, That nothing herein contained shall be so construed as to prevent the officers of this state from executing any process whatever within the jurisdiction hereby directed to be ceded to the United States.

Commencement.

3. This act shall commence in force from the passing thereof.

CHAP. 7.—An ACT to amend the sixth section of the act for reducing into one the several acts concerning the land office, ascertaining the terms and manner of granting waste and unappropriated land, for settling the titles and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors.

(Passed January 15, 1802.)

1. Whereas it hath been represented to this present general as- Preamble.
sembly that many persons have located, and lay claim in consequence of such location to the banks, shores, and beds of the rivers and creeks in the western parts of this commonwealth, which were intended and ought to remain as a common to all the good people thereof:

2. *Be it therefore enacted*, That no grant issued by the register Grants for beds of
of the land office for the same, either in consequence of any survey rivers, &c. not
already made, or which may hereafter be made, shall be valid or valid.
effectual in law to pass any estate or interest therein.

3. This act shall commence and be in force from and after the Commencement.
passing thereof.

CHAP. 8.—An ACT to amend and explain the act concerning public roads.

(Passed January 16, 1802.)

1. Whereas it appears that the power of discontinuing roads ought Preamble.
under certain limitations to be vested in the courts of this commonwealth:

2. *Be it therefore enacted*, That the different county courts shall County courts may
have power to discontinue any public road whenever the same shall discontinue roads
cease to be a public convenience. Any person intending to apply in certain cases.
for the discontinuance of a road, shall give one month's notice in some public paper, and advertise the same at the door of the courthouse of that county through which the road passes. On application to any county court for discontinuing a road, the said court shall direct their sheriff to impanel a jury of twelve disinterested freeholders, who shall view the same, being first sworn, and on their oaths say, whether in their opinion public inconvenience would result from discontinuing the same. The jury shall certify their opinion under their hands, and deliver it sealed to the sheriff, who shall return it to the court, who thereupon, as well as upon other evidence, shall have full power to keep open or discontinue the said road. Nothing in this act shall be construed to authorize any county court to discontinue any public post road, nor to abridge or alter the power they now possess of discontinuing roads by substituting others in lieu thereof.

3. And whereas it appears reasonable that the owners of coal Owners of coal
mines, should be placed on the same footing with the owners of mines placed on
mills, warehouses, ferries and iron works, and be equally entitled footing with
to the benefit of convenient roads, *Be it further enacted*, That the owners of mills,
owners of coal mines shall be entitled to obtain roads for the carriage of their coal, in the mode prescribed by law to the owners of mills, ferries, warehouses and iron works. &c.

4. This act shall commence and be in force from and after the Commencement.
passing thereof.

CHAP. 9.—An ACT to prevent the burning of the woods.

(Passed January 16, 1802.)

1. Whereas it has been represented to this general assembly that Preamble.
great injuries have been sustained by individuals from the practice of setting the woods on fire within this commonwealth:

Punishment of
persons for setting
the woods on fire.

2. For remedy whereof, *Be it enacted*, That if any person or persons shall set the woods on fire, unless by accident, or in any manner be concerned therein, every such person shall pay a fine of thirty dollars for every such offence, to be recovered in any court of record within this commonwealth, by any person who will sue for the same, one half thereof to the use of the informer, and the other to the use of the county wherein the offence was committed, to be applied towards lessening the levy; and if any such person be an infant under the years of eighteen, the said fine may be recovered in like manner of his parent, guardian, or master; and if any such person be a free negro or mulatto, and unable to pay the said fine, he shall receive thirty lashes, by order of any justice of the peace. This act shall not extend to the counties of Nansemond, Southampton and Isle of Wight.

This act not to ex-
tend to certain
counties.

Commencement.

3. This act shall commence and be in force from and after the first day of March next.

CHAP. 10.—An ACT authorizing flour manufactured in this state to be carried to the district of Columbia.

(Passed January 18, 1802.)

Lawful to carry
flour without in-
spection to the
district of Colum-
bia.

1. *Be it enacted by the general assembly*, That it shall and may be lawful for any person or persons to send or carry by land or upon the waters of the Potowmac, to the district of Columbia, without being inspected, any flour made or manufactured within this commonwealth. Any law to the contrary notwithstanding.

Commencement.

2. This act shall be in force from the passing thereof.

CHAP. 11.—An ACT to amend an act, entitled, "An act reducing into one the several acts making provision for the restraint, support and maintenance of ideots and lunatics, and the preservation and management of their estates."

(Passed January 18, 1802.)

Committee to ac-
count with auditor
for expenses of lu-
natics.

1. *Be it enacted by the general assembly*, That the committee of the estate of an ideot or lunatic removed to the hospital in the city of Williamsburg, shall account with the auditor of public accounts and pay into the treasury, as well what he may be liable to pay for the expenses attending the removal of such ideot or lunatic, as for his or her annual support while in the hospital; and the bond of such committee shall in all future cases be so changed as to make him account and pay as aforesaid, and the said committee shall account for and pay the said expenses of removal and the first year's support of such ideot or lunatic, within twelve months after the date of his bond, and the allowance for his or her annual support on or before the same day in each year thereafter, so long as the said ideot or lunatic shall remain in the hospital.

Clerks of courts to
send auditor co-
pies of bonds of
committees, &c.

2. *Be it further enacted*, That the clerk of the court by whom the committee shall be appointed to an ideot or lunatic so removed as aforesaid, within six months thereafter, shall transmit to the auditor, a certified copy of the bond of such committee, and also of the order of such court relative to said ideot or lunatic, and his estate; and the court of directors shall, whenever an ideot or lunatic shall be received into such hospital, certify to the auditor an account of the expenses attending his or her removal, and also the sum allowed for his or her annual support, and when any such ideot or lunatic shall be discharged, the court of directors shall certify the

Court of directors
to certify to audi-
tor an account of
lunatic's expenses
&c.

same to the auditor of public accounts, which copy of the bond of a committee with the order of the court aforesaid, and the certificate of the court of directors may be given, and shall be received as evidence against any such committee on a motion made against him under this act; and if any such committee shall fail to account and pay into the treasury as aforesaid, the expenses attending such removal and the allowance for the annual support of such idiot or lunatic so long as he or she shall remain in the said hospital, then and in that case the auditor shall be, and he is hereby authorized and required, forthwith to recover of such committee by motion in the general court, the sum due on account of such idiot or lunatic: *Provided always*, That twenty days previous notice be given to such committee of the said motion.

Proceedings
against committee
for neglect of du-
ty.

3. All acts and parts of acts, coming within the purview of this Repealing clause, act, are hereby repealed.

4. *Provided*, That when an idiot or lunatic shall be sent to the hospital and a committee shall be appointed, no suit or action depending against such idiot or lunatic shall abate, but a *scire facias* shall issue against the committee, and the same proceedings shall be had thereupon against such committee as if the said suit or action had originally been brought against him, and the judgment shall be entered up against him, upon which a *feri facias* only shall issue, to be levied of the goods and chattels of the idiot or lunatic in the hands of such committee. And when an idiot or lunatic shall be discharged from the hospital, no suit depending against his committee shall abate, but a *scire facias* as aforesaid, shall issue against the person so discharged, and the same judgment shall be had against him or her in the same manner as if such suit had been originally brought against him or her.

Suits against ido-
ts, &c. removed
to hospital to be
revived against
committees.

5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 12.—An ACT to direct the mode of proceeding under executions in certain cases.

(Passed January 19, 1802.)

1. Whereas doubts exist, whether on the death of the sheriff or other officer, who may have taken property under execution, which may remain unsold at the time of his death, there is any mode to compel a sale of such property:

Preamble.

2. *Be it enacted therefore by the general assembly*, That in all cases in which a sheriff or other officer, taking property under execution, shall die before he sells such property, it shall be lawful for the clerk of the court from which such execution issued, and he is hereby required to issue a *venditioni exponas*, directed to the sheriff or serjeant of the county or corporation in which the property was taken under execution; and the said sheriff or serjeant shall under the said *venditioni exponas*, receive the property from the representatives of the former sheriff or other officer, who are hereby required to deliver such property to the said sheriff, upon his producing the *venditioni exponas*, and executing to them a receipt for the property; and the said sheriff shall proceed to sell such property, in the manner prescribed by law in other cases of *venditioni exponas*.

Property under
execution and in
possession of a
sheriff at the time
of his death, how
to be sold.

3. *And be it further enacted*, That if the representatives of the deceased sheriff, shall refuse or neglect to deliver to the sheriff, the property so taken under execution, by their testator or intestate,

Proceedings
where such pro-
perty be not deli-
vered to sheriff.

upon the sheriff's producing the *venditioni exponas*, or if after the expiration of three months from the death of the said sheriff or collector, there be no executor or administrator of the same, he shall return the truth of the case upon the said writ; upon which return the plaintiff (or if it be a case of the commonwealth, the auditor) may at their option, have an execution, by virtue of which the sheriff or other officer, may seize the property taken by the former sheriff or other officer, wherever it may be found, and sell the same, in the manner prescribed by law under similar executions; or the said plaintiff or auditor, as the case may be, may move in the court from which the original execution issued, against the representatives of the deceased sheriff or other officer; upon which motion judgment shall be entered up against the representatives of the deceased sheriff or other officer, for the amount of the execution, which came to the hands of their testator or intestate, with lawful interest on the same, and the costs of said motion: *Provided always*, That the execution issuing on such judgment, shall be levied on the estate of the said deceased sheriff in the hands of his representatives, who shall in all cases have ten days previous notice of the time and place of making such motion.

Allowance to, and penalty upon sheriffs proceeding under this act.

4. *And be it further enacted*, That the sheriff or other officer discharging the duties prescribed by this act, shall have the same powers, receive the same fees and commissions, and be liable to the same penalties as in other cases.

On what evidence sheriffs may be fined for not returning commonwealth's executions.

5. *And be it further enacted*, That an affidavit in writing of the delivery of an execution on behalf of the commonwealth, to any sheriff or other officer authorized to levy the same, shall be sufficient evidence to render judgment for the fine, in case such execution shall not be returned within the time limited by law.

Commencement.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 13.—An ACT concerning the distribution of unbequeathed personal estate.

(Passed January 22, 1802.)

Who may succeed to infants in certain cases.

1. *Be it enacted by the general assembly*, That when an infant having title to personal estate, shall die before attainment of the age, when one may legally bequeath that kind of property, or after attaining such age, shall die without bequeathing it, those of his or her kindred shall succeed to the said infant, who would have succeeded, if he or she had been, at the time of his or her death, of the age of twenty-one years.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 14.—An ACT concerning the high court of chancery.

(Passed January 23, 1802.)

Preamble.

1. Whereas the delays inseparable from the present high court of chancery are often equal to a denial of justice:

Commonwealth divided into three districts.

2. *Be it enacted by the general assembly*, That this commonwealth shall be divided into three districts, and a superior court of chancery shall be holden in each district in the manner and at the times hereafter mentioned; that is to say: The counties of Berkeley, Jefferson, Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Montgomery, Wythe, Washington, Russell, Lee,

Grayson, Kanawha, Greenbrier, Monroe, Hampshire, Hardy, Pendleton, Ohio, Bath, Monongalia, Harrison, Brooke, Wood, Randolph and Tazewell, shall compose one district, and a superior court of chancery shall be held therefor at Staunton, on the twentieth day of March, on the first day of July, and on the fifteenth day of November in every year:—The counties of Albemarle, Amelia, Amherst, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charlotte, Chesterfield, Cumberland, Culpeper, Dinwiddie, Fauquier, Fairfax, Fluvanna, Franklin, Goochland, Greensville, Halifax, Hanover, Henrico, Henry, King George, King William, Loudon, Louisa, Lunenburg, Madison, Mecklenburg, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince William, Prince George, Spotsylvania and Stafford, shall compose another district, and a superior court of chancery shall be held therefor at the capitol in the city of Richmond, on the first day of March, on the twelfth day of May, and on the tenth day of September in every year:—The counties of Accomack, Charles City, Elizabeth City, Essex, Gloucester, Isle of Wight, James City, King & Queen, Lancaster, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Princess Ann, Richmond, Southampton, Surry, Sussex, Warwick, Westmoreland and York, shall compose another district, and a superior court of chancery shall be held therefor, at the former capitol in the city of Williamsburg, on the first day of April, on the first day of July and on the twelfth day of October in every year; and if any of the said days be Sunday, the courts shall in that case begin on the succeeding day. Each court shall sit, if business requires, twenty-four days (Sundays excluded) and shall be a court of record.

A chancery court to be holden at Staunton,

Richmond, and

Williamsburg.

Length of sessions.

3. The counties which shall hereafter be made, shall remain in the same district to which they formerly belonged; and if taken from different districts, shall be annexed to that district most convenient to the courthouse of the said new made county.

Counties hereafter made to what districts to be annexed.

4. One judge shall be elected for each of the said courts, by joint ballot of the senate and house of delegates; who shall be commissioned in the manner directed by the constitution of this commonwealth.

Judges how to be appointed.

5. Each judge shall reside at the place where the court of the district for which he may be elected, shall be holden.

To reside at the place of holding court.

6. Every judge so commissioned, before he enters upon the duties of his office, shall take and subscribe the oath of fidelity to this commonwealth, and the oath prescribed by law for the judge of the high court of chancery: Such oath shall be taken before the executive, and a certificate thereof recorded, in the court of that district to which the said judges shall respectively belong. If any person shall presume to execute the said office of judge without having taken the said oaths, he shall forfeit and pay the sum of fifty hundred dollars for such offence.

How to be qualified.

7. The courts hereby established and each of the judges thereof in term time, as well as in vacation, shall be subject to the same rules and regulations, and shall have and exercise the same jurisdiction and powers within their respective districts, in all and every matter and thing, as the high court of chancery or the judge thereof possessed on the first day of January, in the year eighteen hundred and two, including the mode of arranging the business in the said courts, of issuing process, serving and returning the same, entering

Their jurisdiction and powers.

and enforcing decrees, granting and receiving appeals general and special, writs of *ne exeat*, injunctions, bills of review general and special, appointing clerks and officers, subject only to the same constitutional and legal restrictions and limitations as the said high court of chancery was then bound by.

Fees and salaries to clerks and other officers.

8. The clerks and other officers of the said courts shall be entitled and authorized to receive and demand the same fees and salaries as the clerk and other officers of the said high court of chancery are now entitled to receive and demand; and the clerks shall deliver their lists of fees to the sheriffs of the different counties of this commonwealth at the same time the clerk of the high court of chancery is now authorized to do; and shall have the same remedy against sheriffs or their representatives, should their said fees not be accounted for within the time limited by law as the clerk of the high court of chancery now hath, for which collection they shall receive the same compensation as is now allowed by law for collecting and accounting for the fees of the clerk of the high court of chancery.

How causes depending in high court of chancery to be arranged and papers delivered.

9. All causes which shall be depending in the high court of chancery on the first day of February next, shall be arranged by the clerk thereof, according to the districts herein described, and with the papers therein, delivered by him to the clerks of the different districts hereby established, together with the state of the costs which may have accrued in each suit to the time of such delivery.

How suits where in a chancery judge is interested may be brought.

10. If either of the judges of the said courts be interested in any suit, which in the case of any other person would have been proper for the jurisdiction of his court, it shall be lawful to institute such suit in any adjacent district court of chancery, and the process from such adjacent court may be served in the district in which the said judge shall reside, and such proceedings shall be thereupon had as in other cases in chancery.

Process sued out of chancery courts how to be issued and served.

11. All process to enforce the execution of any decree, may be issued from any one of the clerk's offices of the said district courts to the sheriff of any county within this state, and shall by him be executed and returned in the same manner, as if the same had issued from the clerk's office of the district in which he may reside.

Where there are several defendants they may be sued in district where either resides.

12. Wherever there may be more than one defendant in a suit, the plaintiff or plaintiffs as the case may be, shall have liberty to institute his, or their suit in that district where either of the defendants may reside, and in such case the clerk of the court in which such suit is instituted, shall issue a subpoena to the sheriff or sheriffs of the county or counties out of the district where the other defendant or defendants may reside, authorizing him or them as the case may be, to execute and return the same; and the same being returned, the like proceedings may be had thereon, as if the defendant or defendants resided within the district where the suit is instituted.

Judge of high court of chancery to be judge of Richmond district.

13. The present judge of the high court of chancery shall be the judge of the district court to be holden in the city of Richmond.

Repealing clause.

14. All laws contrary to the purview hereof, and particularly those relative to the present high court of chancery, shall be and are hereby repealed, so far as they go to invest that court with powers and a jurisdiction extending over the whole of this commonwealth.

Commencing clause.

15. This law shall commence and be in force from and after the passing thereof.

CHAP. 15.—An ACT making further provision for furnishing the public officers of this commonwealth, with the laws thereof.

(Passed January 26, 1802.)

1. Whereas Samuel Pleasants, jun., and Henry Pace, printers in Richmond, have applied to the legislature to aid them in reprinting the last revised code of the laws of this commonwealth, and such other public acts as have passed since that edition was published; and the number of copies of the said revised code allowed and distributed for public use, have been found to be insufficient:

Preamble.

2. *Be it enacted by the general assembly*, That the governor be, and he is hereby authorized and required to subscribe on behalf of the commonwealth, and upon such terms as individuals are permitted to subscribe, for one thousand copies of the edition proposed to be published as aforesaid, the price whereof shall be paid out of the treasury, upon a warrant or warrants to be issued by order of the executive.

Governor to subscribe for 1000 copies of a new edition of revised code.

3. *And be it further enacted*, That upon a certificate of George W. Smith, John Robinson, James Rind, Adam Craig, and William Wirt, gentlemen, or any two of them, being published with the said laws, stating that they had carefully compared the edition of the acts so to be published with the original laws, and found them to be truly and accurately printed, they shall be received and considered of equal authority in the courts of this commonwealth, as the originals from which they are taken.

To be considered as authority upon certificate of certain persons.

4. The number of copies so subscribed for on behalf of the commonwealth, shall be distributed by the executive among the public officers of this state, in such manner as they shall think best.

Copies taken by public how to be distributed.

5. This act shall be in force from the passing thereof.

Commencement.

CHAP. 16.—An ACT to amend an act to amend the act, entitled, "An act reducing into one the several acts for regulating the inspection of flour and bread."

[Passed January 27, 1802.]

1. *Be it enacted by the general assembly*, That in all cases where any flour shall be manufactured in any county of the states of Pennsylvania or of Maryland, adjoining on the boundary line dividing those states, or either of them, from this commonwealth west of the Allegany mountain, and shall have been duly inspected, marked and branded, agreeably to the law or laws of either of the said states in which the said flour shall have been manufactured, and afterwards shall be stored in any warehouse within this commonwealth for the purpose of exportation, it shall not be deemed necessary that the same flour shall be re-inspected previous to such exportation.

Unnecessary to re-inspect flour in certain cases.

2. *And be it further enacted*, That if any miller or manufacturer of flour, or other person, shall produce to any inspector, to be by him inspected, marked or branded, any flour which shall be adjudged by such inspector to be mixed with flour of any other grain than wheat, or with any other substance whatever, the whole of such mixture shall be condemned by such inspector, who shall cause the same to be sold for the benefit of the commonwealth, after giving notice of the time and place of such sale for three weeks successively, in some public gazette. And moreover, a fine of ten dollars for each barrel of mixed flour condemned as aforesaid, shall be imposed on any miller or manufacturer of flour, or other person

Mixed flour to be sold for benefit of commonwealth.

Fine for offering same to be inspected.

offering the same to be inspected, to be recovered with costs in any court of record in this commonwealth, on motion of the inspector, the offender having ten days previous notice of such motion, and the inspector shall be allowed for his trouble, and account for the money received by him, in such manner as is now prescribed by law: *Provided always*, That when any person shall think himself aggrieved by the judgment or want of skill of an inspector, he shall be relieved in the manner prescribed by the tenth section of the act, entitled, "*An act reducing into one the several acts for regulating the inspection of flour and bread.*"

Deputy inspectors to be approved by a court.

3. And be it further enacted, That no person shall be admitted or authorized to act as a deputy to any inspector of flour or bread, until such person shall have been first nominated to, and approved by the court by whom such inspector shall have been appointed.

Repealing clause.

4. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Commencing clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 17.—An ACT repealing the act, entitled, "An act authorizing the executive to procure arms for the defence of the commonwealth."

(Passed January 27, 1802.)

Act for procuring arms repealed.

1. *Be it enacted by the general assembly*, That the act passed the twenty-sixth day of December, one thousand seven hundred and ninety-five, entitled, "*An act authorizing the executive to procure arms for the defence of the commonwealth,*" shall be and is hereby repealed: *Provided however*, That no contract entered into by the executive by virtue thereof shall be affected by this act.

Proviso.

Commencing clause.

2. This act shall be in force from the passing thereof.

CHAP. 18.—An ACT changing the mode of proceeding on indictments and informations in certain cases.

(Passed January 28, 1802.)

Preamble.

1. Whereas doubts have arisen whether any information can be filed, or indictment for a trespass or misdemeanor be sent to a grand jury, unless the name of a prosecutor be written at the foot of such information or indictment: for removing thereof,

No prosecutor required in certain cases.

2. *Be it therefore enacted by the general assembly*, That where any information shall be filed by the attorney for the commonwealth, by express order of the court entered of record, the party supposed to be culpable having failed to appear and shew good cause against such order, having been required so to do by summons, appointing a convenient time for that purpose, served upon him, or left at his usual place of abode, no prosecutor shall be required on such information. Nor shall any such prosecutor be required on an information, or bill of indictment, for a trespass or misdemeanor filed or sent to a grand jury, which shall be filed or sent to a grand jury, on, and in consequence of a previous presentment of a grand jury, made on their own knowledge, or on the information of any two of their own body.

Repealing clause.

3. All and every act and acts, clause and clauses of acts, containing any thing within the purview of this act, shall be and are hereby repealed: *Provided always*, That nothing in this act contained shall be construed to affect any prosecution on an indictment.

Prosecutions commenced before this act not to be affected.

ment or information which shall have commenced before the passing thereof.

4. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 19.—An ACT for calling in and registering certificates of the public debt of this state.

(Passed January 23, 1802.)

1. *Be it enacted by the general assembly,* That before a warrant shall be issued for the interest on any certificate of a debt due from this state, upon which interest is allowed by law, the owner or holder of such certificate shall deposit the same with the treasurer, who shall grant a receipt therefor, specifying the amount of such certificate, distinguishing the principal from the interest thereof; and upon such receipt being presented to the auditor of public accounts, the said auditor shall, and he is hereby required, to issue a new certificate for the principal, and a warrant for the interest. Owners of certificates to deposit them with treasurer before warrants to issue.

2. *And be it further enacted,* That if the holder or owner of any certificate of a debt due from this state, shall not, on or before the first day of January, one thousand eight hundred and three, make application for a warrant for the interest due thereon, such interest shall cease after that period until the said certificate shall be deposited with the treasurer as aforesaid: *Provided however,* That nothing herein contained shall be construed to injure or affect the owners or holders of any certificates upon which warrants have been issued since the first day of January, one thousand eight hundred and two, but such persons shall be allowed until the first day of January, eighteen hundred and four, to deposit such certificates as aforesaid. Interest on certificates to cease after 1803, until deposited with treasurer.
Proviso.

3. *And be it further enacted,* That all certificates of debts due from this commonwealth, upon which interest is allowed by law, shall be receivable in discharge of any arrears of public taxes due prior to the year seventeen hundred and ninety-eight. Certificates to be received for arrears of certain taxes.

4. The treasurer of this commonwealth shall keep, in a book or books well bound, a register of all certificates alphabetically arranged, for the principal as aforesaid, and of such others as from time to time shall be paid in discharge of taxes, or otherwise redeemed, and shall also carefully file and preserve the original certificates deposited with him by virtue of this act, and all others which may be redeemed, so that the same may be inspected by the succeeding general assembly. Treasurer to keep a register of certificates.

5. This act shall be in force from the passing thereof. Commencing clause.

CHAP. 20.—An ACT authorizing the executive to appoint a surgeon to the public guard, and to the prisoners confined in the penitentiary house.

(Passed January 23, 1802.)

1. *Be it enacted by the general assembly,* That the executive shall, and they are hereby authorized and required, to appoint annually one person to act as surgeon to the public guard directed to be kept in the city of Richmond, and to the prisoners who are or may be confined in the jail and penitentiary house. It shall be the duty of such surgeon to render to the persons aforesaid, all surgical and medical aid which may be required of him, who shall be, and is hereby allowed for his services to be rendered, and medicines furnished under this act, at the rate of four hundred dollars Executive to appoint annually a surgeon to public guard, &c.

per annum, to be paid quarterly out of the public treasury, on warrant to be issued by the auditor of public accounts.

Commencing
clause.

2. This act shall be in force from the passing thereof.

CHAP. 21.—An ACT to amend the act, entitled, ‘‘An act to amend an act to reduce into one the several acts concerning slaves, free negroes and mulattoes.’’

(Passed January 29, 1802.)

Penalty upon
masters of vessels
for permitting
slaves to come on
board, or for deal-
ing with them.

1. *Be it enacted by the general assembly*, That any master or skipper of a vessel, who shall permit any slave to come on board his vessel without the leave or consent of the master or overseer, given in writing, or shall buy, sell or receive of, to or from a slave, any commodity whatsoever, without the leave or consent of the master or overseer, given in writing as aforesaid, shall forfeit and pay for every such offence, in addition to the penalties now imposed by law, the sum of twenty dollars, to be recovered by warrant from any magistrate of the county or corporation, by any person who will prosecute for the same; upon service of which warrant, the offender shall be taken and remain in custody until judgment; and in case of conviction, shall be by such magistrate committed to the jail of his county or corporation, there to remain until payment of the penalty aforesaid: *Provided always*, That in case the skipper of any vessel be a slave, he shall receive for every such offence, thirty-nine lashes on his bare back, to be inflicted by order of any magistrate of a county or corporation.

Common bail to
be given by mas-
ters of vessels in
actions against
them for dealing
with slaves.

2 *And be it further enacted*, That where an action on the case shall be brought against any master or skipper as aforesaid, for dealing with any slave, under the sixteenth section of the act of assembly, entitled, ‘‘An act to reduce into one the several acts concerning slaves, free negroes and mulattoes,’’ such master or skipper shall be required to give appearance bail: *Provided*, The plaintiff shall make affidavit before a magistrate of the cause of such action, to be transmitted to the clerk of the court wherein the suit shall be prosecuted.

Additional penalty
for dealing with
slaves on the sab-
bath.

3. *And be it further enacted*, That any person who shall on the sabbath day, buy, sell or receive of, to or from a slave, any commodity whatsoever, without the leave or consent of the master or overseer of such slave given in writing, or shall buy, sell or receive of, to or from any free negro or mulatto, any commodity whatsoever, on the day aforesaid, shall, in addition to the penalties now imposed by law, forfeit and pay the sum of ten dollars, to be recovered by warrant from any magistrate of the county or corporation, by any person who will prosecute for the same.

Commencing
clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 22.—An ACT to amend the act passed for the establishment of a mutual insurance company against fire on goods and furniture in this state.

(Passed January 30, 1802.)

Preamble.

1. Whereas in consequence of an act passed the eighth day of December, 1795, a mutual insurance company against fire on goods and furniture in the state of Virginia, has been organized, and it appears that it would be impracticable for the agent thereof to attend at the different courts with the records, original declarations or other original documents appertaining to the said company :

2. *Be it therefore enacted*, That the said company shall have full power to recover any premiums, interests or quotas, which may from time to time be due from any of the subscribers, members or agents of the said company, on motion of the cashier general or principal agent of the said company, before the court of the county, the court of the corporation, or the court of the district wherein such delinquent may reside, ten days notice of such motion being previously given, and that an account copied as far as relates to such delinquent from the records of the said company, and also any other copies from the records or from any original declaration or other document, on which the claim is founded, shall be received as evidence: *Provided*, That such account and copies be certified upon oath by the principal agent or cashier general, declaring that they are true copies from the records or original documents filed in the office of the said company, and that he or they believe the sum or sums mentioned in such account are due from the delinquent to the said company, and such account or copies shall be signed by the president or any two directors, with the seal of the office annexed.

On motions for premiums, &c. copies of original documents to be received as evidence.

3. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 23.—An ACT to fix the salaries of the judges in chancery.

(Passed January 30, 1802.)

1. *Be it enacted by the general assembly*, That each of the chancellors appointed under the act entitled, "*An act concerning the high court of chancery*," passed the present session, shall be entitled to have and receive a salary of fifteen hundred dollars per annum, to be paid quarter yearly out of any money in the public treasury.

Salaries established.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 24.—An ACT for arranging the counties of this state into districts, to choose representatives to congress.

(Passed January 30, 1802.)

1. *Be it enacted by the general assembly*, That the counties of this commonwealth, and the cities and boroughs entitled to representation, shall be divided into twenty-two districts in manner following, to wit: The counties of Monongalia, Brooke, Ohio, Harrison, Wood and Randolph, shall compose one district: The counties of Berkeley, Jefferson and Hampshire, shall compose another district: The counties of Frederick and Shenandoah shall compose another district: The counties of Rockingham, Hardy, Pendleton, Augusta and Bath, shall compose another district: The counties of Greenbrier, Rockbridge, Botetourt, Monroe and Kanawha, shall compose another district: The counties of Wythe, Tazewell, Montgomery, Washington, Grayson, Russell and Lee shall compose another district: The counties of Loudoun, Fairfax and Prince William shall compose another district: The counties of Westmoreland, Richmond, Lancaster, Northumberland, King George and Stafford shall compose another district: The counties of Fauquier and Culpeper shall compose another district: The counties of Orange, Madison, Louisa and Spotsylvania shall compose another district: The counties of King and Queen, King William, Essex and Caroline shall compose another district: The counties

Arrangement of districts.

of York, Middlesex, Mathews, James City, Gloucester, Warwick, Elizabeth City, Accomack and Northampton and the city of Williamsburg shall compose another district: The counties of Franklin, Bedford, Patrick and Henry shall compose another district: The counties of Halifax, Pittsylvania and Campbell shall compose another district: The counties of Prince Edward, Charlotte, Buckingham and Cumberland shall compose another district: The counties of Powhatan, Goochland, Amelia and Chesterfield shall compose another district: The counties of Brunswick, Lunenburg and Mecklenburg shall compose another district: The counties of Dinwiddie, Prince George, including the town of Petersburg, and the counties of Greenville and Nottoway shall compose another district: The counties of Sussex, Southampton, Surry and Isle of Wight shall compose another district: The counties of Norfolk, Princess Ann, Nansemond and the borough of Norfolk shall compose another district: The counties of Albemarle, Amherst and Fluvanna shall compose another district: and the counties of Henrico, Charles City, Kew Kent, Hanover and the city of Richmond shall compose another district.

Representatives
in congress how to
be elected.

2. *And be it further enacted,* That the persons qualified by law to vote for members to the house of delegates in each county, city and borough composing a district, shall assemble at their respective courthouses, on the fourth Wednesday in April, in the year one thousand eight hundred and three, and also on the fourth Wednesday in April in every second year thereafter, and then and there vote for some discreet and proper person, being a freeholder and resident within such district, as a member of the house of representatives for the United States.

Elections how to
be conducted.

3. The high sheriff of each county, or in case of his sickness or inability to attend, one of the deputy sheriffs, or the mayor of any city or borough, or in case of his inability to attend, the recorder of each city or borough entitled to representation, shall conduct the said election, at which no determination shall be had by view, but each person qualified to vote, shall fairly and publicly poll, and the name of the voter shall be duly entered under the name of the person voted for, in proper poll books to be provided by the officer conducting the election, for which purpose, he shall appoint so many writers as he shall think fit, who shall respectively take an oath, to be administered by him, or make solemn affirmation, that they will take the poll fairly and impartially. He shall deliver a poll book to each writer, who shall enter in distinct columns under the name of the person voted for, the name of each elector voting for such person. Like proclamation and proceeding shall be had for conducting, continuing and closing the poll in each county of a district, as is prescribed by law in the election of members to the general assembly; and proclamation shall also be made at the courthouse door, or place of holding such election, of the person having the greatest number of votes on the poll on the closing thereof. Each elector shall be entitled to the same privilege from arrest, and be subject to the like penalty and forfeiture for failing to attend and vote at such election, as is prescribed by law in the case of election of members to the general assembly. Such failure to attend shall be discovered and proceeded on in like manner, and under the same penalties as is by law provided against such failures in the election of members to the general assembly.

Privilege of elec-
tions and penalty
for not voting.

4. Immediately after each election in a county, city and borough, held as aforesaid, the clerks of the poll having first signed the same, shall deliver it to the sheriff or other officer who conducted the election, and such sheriff or other officer, together with the respective sheriffs and other officers who conducted the poll of the several counties, cities and boroughs entitled to representation in the district, (but in case of sickness, death or other disability of the officer who shall have conducted the poll, then any other sheriff or officer of the county, and the recorder of any city or borough in which such disability may happen) shall on the eighth day after the election, assemble at the courthouse of the county first named in such district, and then and there compare the polls respectively taken at the elections in their several counties, cities and boroughs, and having ascertained by faithful addition and comparison of the numbers on the respective polls, the person having the greatest number of votes upon the whole, giving their own votes in any case of the two foremost on such poll having an equal number of votes, shall proceed to certify such election under their hands and seals, in manner and form following, to wit: "*We A. B. sheriff of*

county, (or deputy sheriff as the case may be) C. D. sheriff of county, (as the case may be and so reciting the name of the sheriff, and whether principal or deputy of each county, and the name of the mayor or recorder, as the case may be, of each city or borough entitled to representation in the district) composing one entire district entitled by law to elect a member to the house of representatives of the United States, do hereby certify and make known, that at an election held on _____, at the place of holding elections in our respective counties, cities and boroughs, pursuant to law, the electors qualified to vote for members to the house of delegates, caused to be chosen one person, to wit: G. H. to represent the said district as a member of the house of representatives for the United States. Given under our hands and seals this _____ day of _____ one thousand eight hundred and _____."

Two said duplicates of such certificate and return, shall be made by the said sheriffs and other officers under their hands and seals, in the manner before recited, one of which shall be delivered to the person elected to represent the district, and the other shall be transmitted to the governor and council, within twenty days, under the penalty of three hundred dollars, upon each sheriff or other officer, in case of failure or neglect herein, to be recovered by motion in any court of record, by the auditor of public accounts to the use of the commonwealth, on ten days previous notice of such motion.

5. The said sheriffs and other officers, shall also under like penalty and recovery, deliver to the clerks of their respective counties, within ten days after such return, the original poll books, to be by such clerk entered of record, under the like penalty for failure, as for failing to record the poll books taken at the election of members to the general assembly—and where a poll shall be taken in any county which shall not become so until after the election, which shall first be holden in pursuance of this act, the officer conducting such election, shall deliver the poll books by him kept, to the clerk of his county, as the same now stands, to be by him also recorded under the like penalty.

Poll books to be recorded.

Certificates of elections to be transmitted to congress.

Penalty on sheriffs &c. for any neglect of duty.

Penalty for bribing electors.

Allowance to sheriffs &c. conducting elections.

No elector to vote more than once for same candidate.

Magistrates to perform duties of sheriffs in certain cases.

*Liable to, in the roll.

Repealing clause.

Commencing clause.

6. It shall be the duty of the executive to enclose to the congress of the United States, the certificates and returns of elections aforesaid, transmitted to them from the respective districts without delay.

7. Any sheriff or other officer, refusing to take the poll when he shall be required by a candidate or elector; or taking it in any other manner than is herein before prescribed; or making or signing a false certificate or return of election, as herein before directed; or making any erasure or alteration in the poll book; or refusing to suffer any candidate or elector at his own expense to take a copy of the poll book, shall forfeit and pay six hundred dollars, which penalties may be recovered with costs in actions of debt, by any person who will sue for the same; one half to his own use, and the other half to the use of the commonwealth.

8. Any candidate or other person in his behalf, who shall directly or indirectly, give or agree to give, any elector or pretended elector, money, meat, drink, or other reward, in order to be elected, or for having been elected, shall forfeit and pay fifteen hundred dollars for each offence; to be recovered with costs, by action of debt, to the use of any person who will sue for the same.

9. *And be it further enacted*, That the sheriffs and other officers, shall receive for their trouble and expense in conducting the said elections, one dollar and sixty-seven cents for the day on which they shall attend to compare the different polls, together with an allowance of ferriages, and four cents a mile for travelling to and from the county, in which they shall meet for that purpose, to be paid in the same manner as the electors, who are to vote for a president and vice-president of the United States are paid.

10. *Provided always*, That no person entitled to suffrage in pursuance of this act, shall during the same election vote more than once for the same candidate, under the penalty of one hundred dollars, to be recovered by action of debt, in any court of record, by any person who will sue for the same, nor shall any such person be admitted to vote in any such election, at the courthouse or other place of holding the election in any county, city or borough in a district, unless the freehold or other estate in right of which he offers to vote, shall lie in that county, city or borough in which he gives his vote.

11. *Be it further enacted*, That in case of the death or absence of any person hereby required to hold an election, the senior magistrate in each county, city or borough respectively, and in his absence, inability or incapacity by being a candidate, the second, and so on in succession to the junior magistrate, is hereby authorized, empowered and required, to perform the duties of the person so dying or being absent—and the said magistrates in case of refusal, shall be subject to all the penalties to which any sheriff or other person required to hold an election, is liable,* and shall be entitled to the same compensation.

12. So much of every other act, as prescribes the time of electing representatives to serve in the congress of the United States, and regulates the arrangement of the counties of this commonwealth for the said purpose, shall be and the same is hereby repealed.

13. This act shall commence and be in force from and after the fifth day of March, one thousand eight hundred and three.

CHAP. 25.—An ACT supplemental to the act, entitled, “An act concerning the high court of chancery.”

(Passed February 2, 1802.)

1. *Be it enacted by the general assembly,* That the clerk of the chancery district court to be held in Richmond, by virtue of the act entitled “*An act concerning the high court of chancery,*” shall take into his possession and keeping, all the records and papers of the last mentioned court, and in the arrangement of the causes and suits depending in the said high court of chancery on the first day of February, eighteen hundred and two, he shall send the original papers, with certified copies of all orders, and interlocutory decrees, in each suit or cause, to the chancery court of that district within which the defendant shall reside, if there be but one, but if there be two defendants, then to the chancery court of that district, within which the first named defendant in the plaintiff’s bill shall reside, and if there be more than two, then to that district in which the majority reside; but if the number of defendants be equal in several districts, then to that district in which the defendant first named in the plaintiff’s bill shall reside; if the defendant or defendants, in any cause or suit so depending, be not resident within the state, it shall be retained in the chancery district court of Richmond, unless the plaintiff shall be a resident in the state, and in that case, the papers with copies of the orders and interlocutory decrees, if any, shall be sent to the chancery court of that district within which the plaintiff, if there be but one, or the first named plaintiff in the bill if there be more than one, shall reside. All causes and suits, shall be acted on, and proceeded in, by the chancery district courts to which they shall be sent, in the same manner, as they would have been proceeded in, and acted on, in the said high court of chancery, had the said recited act, not have been made; the several orders and interlocutory decrees made in the suits or causes, to be sent to the several chancery district courts shall have the same force, effect and obligation, as if entered by the court to which they shall be sent.

Clerk of Richmond chancery district court to arrange papers of high court of chancery and transmit them to the several district courts.

Rules to be observed in the arrangement.

Causes sent to district courts how to be acted on.
2. In all cases where appeals have been taken or entered, from final decrees in the said high court of chancery, and are still pending in the court of appeals, a copy of the decree of the court of appeals, when made, shall be certified by the clerk, to the chancery district court of Richmond, and the judge of the said court shall have full power and authority to enforce the said decree, wherever the parties may reside.

Copies of decisions upon appeals from final decrees of high court of chancery to be sent to Richmond district court.
3. The papers in suits or causes, where appeals are pending in the court of appeals, from interlocutory decrees in the high court of chancery heretofore rendered, shall be retained in the chancery district court of Richmond, until a decision shall take place in the court of appeals, and it shall be the duty of the clerk of the said court to transmit a copy of such decision or decree, when made, to the chancery district court of Richmond; and if the same be final, the said court shall have full power to enforce and carry into effect the said decision or decree, wherever the parties may reside; but if the said decision or decree shall not be final, then on the receipt of a copy of the decision or decree of the court of appeals, the clerk of the chancery district court of Richmond, shall send the original papers, with a copy of all orders and interlocutory decrees therein, with a copy of the decision or decree of the court of appeals, to the chancery court of that district in which the parties

Also from interlocutory decrees.

Proceedings thereupon.

may reside, according to the directions herein before contained, to be proceeded on therein as if the said suit or cause had been originally there instituted.

Richmond district court to enforce decrees rendered by high court of chancery.

* Receive in the roll.

How injunctions awarded by judge of high court of chancery to be issued and arranged.

Process for contempt, issued from district courts, may run into any part of the state.

Papers in injunctions depending in high court of chancery to be sent to district courts.

Clerks to reside where the courts are held.

How process to bear teste and be returnable.

Judges may appoint commissioners.

Compensation to clerk for arranging papers, &c.

4. *Be it further enacted*, That the chancery district court of Richmond shall have full power and authority, and is hereby authorized, to proceed to enforce and carry into effect all decrees heretofore rendered in the said high court of chancery, and may award executions on forthcoming bonds taken on executions issued on, or which may issue on, decrees heretofore rendered in the said court, and may issue writs of *scire facias* to revive* former decrees of the said court, in the same manner as the said high court of chancery might have done, had the said recited act not have passed; and all injunctions awarded by the judge of the high court of chancery previous to the first day of February, eighteen hundred and two, may be issued by the clerk of the said court, in like manner as if the said recited act had not passed, to be arranged and allotted as is prescribed in other cases of injunction hereinafter mentioned.

5. All process for contempt, issued from either of the chancery district courts, may run into any part of the state, and shall be executed in like manner as such process may be executed within the district, and shall be returned to the court from whence such process issued.

6. The papers in all injunctions depending in the said high court of chancery, on the first day of February, eighteen hundred and two, shall be sent, with copies of all orders and interlocutory decrees therein made, to the chancery court of that district within which the judgment enjoined, was rendered.

7. The clerks of the chancery district courts shall reside and keep the records and papers of the said court, at the places of holding the said courts whereto they shall respectively belong.

8. All processes whatsoever, issuing from either of the chancery district courts, shall bear teste of the clerk of such court, and shall be made returnable to the first, or seventeenth days of the succeeding term of such court.

9. The judge of each of the chancery district courts shall have power to appoint one or more commissioners, whose fees shall be determined and paid in the same manner as the fees of the commissioners of the high court of chancery have heretofore been determined and paid.

10. *Be it enacted*, That the clerk for the arrangement of the papers, and transmitting them to the several chancery district courts, shall be paid by the treasurer on the warrant of the auditor of public accounts, such sum of money as the judge of the chancery district court of Richmond shall certify to be equivalent to his services; and for copying all orders, interlocutory decrees, and for taxing the costs in each cause or suit aforesaid, he shall be allowed and is hereby authorized to charge the same to the plaintiff or plaintiffs in each suit, at the same rate that he might lawfully charge the same, if he had been required to copy the said orders and interlocutory decrees, and tax the costs by the plaintiff or plaintiffs in each suit, and they shall be recovered and collected as other fees of the said clerk, and if the plaintiff or plaintiffs shall prevail, the said fees shall be recovered of the defendant or defendants, in the said suits respectively.

11. That if the said clerk of the chancery court to be holden in the city of Richmond, shall fail to perform any of the duties required by this or the above recited act of him, he shall forfeit and pay for every such neglect, the sum of one thousand dollars, to be recovered by motion on ten days notice thereof by the auditor of public accounts, in the general court, for the use of the commonwealth, which motion shall be made at the instance of any person aggrieved thereby.

Penalty on clerk of Richmond district for not performing certain duties.

12. That each of the judges of the chancery district courts of Staunton and Williamsburg, in taking the oath prescribed by the above recited act, shall change the words "*high court of chancery*," for the words "*chancery district court of Staunton or Williamsburg*," as the case may be.

Oath of district judges changed.

13. The same fees to counsel and attorneys shall be allowed and taxed in the chancery district courts, as were allowed and taxed in the high court of chancery, previous to the passing of the above recited act.

Fees to counsel.

14. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 26.—An ACT authorizing the executive to make compensation to certain commissioners.

[Passed February 2, 1802.]

1. *Be it enacted by the general assembly*, That the executive shall make the same allowance per day, to the commissioners to be appointed for ascertaining and settling the western boundary line of Maryland with this state, and to the commissioners appointed for adjusting the boundary line with the state of Tennessee, as were allowed to the commissioners for adjusting the line with the state of Kentucky; and to make to the said commissioners respectively, such reasonable advances, as shall be deemed sufficient for paying surveyors, chain carriers and choppers, as well as their expenses; which sums shall be paid out of any money in the treasury.

Allowance to commissioners for settling boundary lines between this state and the states of Maryland and Tennessee.

2. This act shall be in force from the passing thereof.

Commencing clause.

CHAP. 27.—An ACT concerning the rents of certain lands in the county of Prince William.

(Passed February 2, 1802.)

1. *Be it enacted by the general assembly*, That the agent for the commonwealth, in the receipt of the rents of certain lands in the county of Prince William, formerly the property of Bristoe, a British subject, be, and he is hereby authorized and required, annually, to sell the tobacco in which the said rents are payable, for the best price that can be obtained for the same, in such manner as shall in his discretion be deemed most beneficial to the public interest, and the said agent shall every year account for, and render to the treasurer, the money produced by the sales of such tobacco. And the said treasurer is hereby directed to transmit the tobacco now in his hands, which has been received for the rents aforesaid, to the said agent, who is hereby required to sell and account for the same in the manner herein before prescribed.

State's agent to sell tobacco received for rents of lands formerly belonging to Bristoe.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 23.—An ACT to fix the salaries of certain officers.

(Passed February 2, 1802.)

Salaries of certain officers fixed.

1. *Be it enacted by the general assembly*, That the officers hereafter mentioned shall be allowed annually the following salaries: The keeper of the penitentiary house, the sum of one thousand two hundred dollars; the turnkey to the penitentiary house, the sum of two hundred and sixty-six dollars and sixty-six cents; the clerk of the penitentiary house, the sum of six hundred and twenty-five dollars; the door-keeper of the capitol, and of the council, whose duty is to keep the capitol clean, and obey the orders of the executive, the sum of three hundred dollars; and the keeper of the keys of the capitol, the sum of two hundred dollars; to each of the under clerks in the register's office, five hundred dollars; to the keeper of the public seal, three hundred dollars; to the assistant clerk of the council, one thousand dollars, which several sums shall be paid quarterly out of the treasury, on warrants to be issued by the auditor of public accounts.

Salaries of others fixed, but not to commence till services required.

2. *And be it further enacted*, That the following officers shall be allowed annually the salaries hereinafter mentioned, to be paid quarterly, and to commence as soon as the executive adjudge that their services are necessary: The superintendant of the manufactory of arms, the sum of two thousand dollars; the master armourer, the sum of one thousand dollars; the assistant armourer, the sum of one thousand dollars; the clerk to the manufactory of arms, the sum of five hundred dollars; and the commissary and store-keeper to the manufactory of arms, the sum of five hundred dollars; which several sums last mentioned, shall be paid in the same manner that the other salaries allowed by this act are paid; that until the last mentioned salaries commence, those who are employed in the armory by the executive shall be paid as heretofore.

Until they commence persons employed in armory to be paid as heretofore. Executive not to fix salary of any clerk.

3. That all acts or parts of acts which authorized the executive to fix the salaries of any clerk, shall be and the same are hereby repealed.

Commencement and continuance of this act.

4. This act shall be in force from the passing thereof, and shall continue in force until the end of the next session of the general assembly.

CHAP. 29.—An ACT to establish an academy in the county of Pittsylvania.

(Passed December 21, 1801.)

Trustees appointed and incorporated.

1. *Be it enacted by the general assembly*, That Thomas H. Wooding, Edmund Tunstall, William Tunstall, Edmund Fitzgerald, Allen Womack, Thomas B. Jones, John Adams, jun., Armistead Shelton, John White, William Wimbish, Edward Robertson, Samuel Calland, William Clark, Moses Hutchings, William White, Joseph Carter, John Smith, James M. Williams, and Rawley White, shall be, and are hereby constituted a body politic and corporate, by the name of the Trustees of Banister Academy, and by that name shall have perpetual succession, and may sue and be sued, and have a common seal, with power to take and hold any estate, real or personal, for the use of the said academy.

Their powers.

2. The said trustees, or any five of them, shall be a sufficient number to constitute a board, and shall and may have power to appoint a president, tutors, secretary and treasurer, and to make and establish such bye-laws, rules and regulations, not contrary to the laws and constitution of this state, as they may judge best for the

government and benefit of the said academy. The said trustees, or any five of them, shall have power to open and receive subscriptions for the use of the said academy, and in case any person fails to comply with his or her subscription, to enforce the payment thereof, by warrant before a magistrate, when the subscribed shall not exceed ten dollars, and where it shall exceed that sum, by motion to the court of the county where the delinquent subscriber resides, ten days previous notice being given.

3. In case of the removal, death, resignation, refusal, or other legal disability to act, of any of the trustees herein named, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them. Vacancies, how to be supplied.

4. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 30.—An ACT giving further time to the owners of lots in the town of Lynchburg to build thereon.

(Passed December 22, 1801.)

1. *Be it enacted by the general assembly*, That the farther time of four years, to be computed from the first day of January next, be allowed to the owners of lots in the town of Lynchburg, in the county of Campbell, to build thereon, any law to the contrary notwithstanding. Further time allowed for building on lots in Lynchburg.

2. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 31.—An ACT to establish an inspection of flour in the town of Danville.

(Passed December 22, 1801.)

1. *Be it enacted by the general assembly*, That an inspection of flour shall be, and the same is hereby established, at the mill of Barnett and Towns, in the town of Danville and county of Pittsylvania, under the like rules and regulations as prescribed by law for other inspections of flour in this commonwealth. Inspection of flour established in Danville.

2. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 32.—An ACT to incorporate the town of Staunton in the county of Augusta.

(Passed December 23, 1801.)

1. *Be it enacted by the general assembly*, That it shall be lawful for the freeholders and house-keepers who shall have been resident in the said town* three months next preceding an election, to meet at some convenient place in the said town annually, on the third Monday in March, and then and there nominate and elect by ballot, twelve fit and able men, being freeholders and inhabitants of the town, to serve as mayor, recorder, aldermen and common councilmen for the same; and the persons so elected shall, within one week after their election, proceed to choose by ballot out of their own body, one mayor, one recorder, and four aldermen, and the remaining six shall be common councilmen, whose several authorities as mayor, recorder, aldermen and common councilmen, shall continue until the third Monday in March, in the year succeeding, and until others shall be qualified in their stead, and no longer, unless re-elected. Members of court and common hall, how to be elected. *So in the roll.

Incorporated with
certain rights.

2. That the mayor, recorder, aldermen and common councilmen so elected, and their successors, shall be, and are hereby made a body corporate and politic, by the name of mayor and commonalty of the town of Staunton, and by that name to have perpetual succession, with capacity to purchase, receive and possess lands and tenements, goods and chattels, either in fee or any lesser estate therein, and the same to give, grant, let, sell or assign again, and to plead and be impleaded, prosecute and defend all causes, complaints, actions, real, personal or mixt, and to have one common seal and perpetual succession.

How to qualify
to their offices.

3. That the person who shall first be elected mayor of the said town, shall, within one week after his election, take an oath or make solemn affirmation before a justice of the quorum, in the commission of the peace for the said county of Augusta, for the due and faithful execution of his office; and every succeeding mayor shall be qualified to his office before the mayor for the time being; and every recorder, alderman and common councilman, shall take the like oath or make the like affirmation with respect to their office, before the mayor for the time being; but no person shall hold the office of mayor for more than one year within any two years: *Provided nevertheless*, Where a vacancy shall have happened in the office of mayor within the year, the person elected for the remainder of that year, may be elected again at the next general election, and act in the said office until the next general election, and until another shall be elected and qualified in his stead.

Mayor to remain
in office only one
year.
Proviso.

Jurisdiction of the
magistrates.

4. *And be it enacted*, That the mayor, recorder and aldermen for the time being, are hereby declared and constituted justices of the peace within the limits of the said town, which limits shall extend half a mile without and around the limits of the said town, and have the like jurisdiction in all cases whatsoever, originating between those resident within the limits aforementioned, as the justices of the county courts within this state now have.

A court of hus-
tings to be held
monthly.

5. That the said mayor, recorder and aldermen, or any four or more of them, (the mayor or recorder being one) shall have power to hold a court of hustings on the third Monday in every month, and may adjourn from day to day, as the county courts are now authorized to do by law, and to hold pleas in all cases whatsoever, originating between the persons and within the limits before described, in the same manner as the county courts may do. To have the sole power of licensing tavern keepers and settling their rates, to appoint a sergeant, who shall have the power of a sheriff, constables and other necessary officers of court, and surveyors of the streets and highways, and to settle and allow reasonable fees of office, so as the same do not exceed the fees allowed the like officers in the county courts: *Provided*, That the said officers shall take an oath of office before the said court of hustings, before they shall be allowed to act, and that the sergeant shall moreover give bond and security for the due performance of his office, which bond shall be made payable to the mayor for the time being, and his successors, and may be put in suit by the party grieved, in like manner as sheriffs' bonds.

Their powers.

Powers of com-
mon hall.

6. *And be it further enacted*, That the mayor, recorder, aldermen and common councilmen, shall have power to erect work-houses, houses of correction, prisons, and other public buildings for the benefit of the town, and to make bye-laws and ordinances

for the regulation and good government of the said town; and to assess the inhabitants, and all property within the actual bounds of the said town, for the charge of repairing the streets, and for the purposes aforesaid: *Provided*, That such bye-laws, and ordinances shall not be repugnant to, or inconsistent with the laws and constitution of this commonwealth. And the mayor, recorder, aldermen and common councilmen shall have power to hold and keep within the said town two market days; the one on Wednesday, the other on Saturday in every week, and from time to time to appoint a clerk of the market, who shall have assize of bread, wine, wood and other things, and generally to do and perform all things belonging to the office of the clerk of the market within the said town.

7. And every person to be elected to any office as afore directed, and refusing to undertake and execute the same, shall pay the fines following, that is to say: The mayor fifty pounds, recorder forty pounds, aldermen thirty pounds, common councilmen twenty-five pounds, sergeant one hundred pounds, constable fifty pounds, clerk of the hustings court and clerk of the market fifty pounds, surveyors of the streets or roads thirty pounds each, to be imposed by the judgment of the said court of hustings for the use of the said town, and levied by execution against the goods and chattels of the offender.

Penalty on mayor and others for refusing to act.

8. And in case of misconduct in the officer of mayor, recorder, aldermen, common councilmen, or either of them, the others being seven at least, shall have power to remove the offender; and as to all other officers, the power first appointing shall or may at pleasure revoke.

How officers may be removed.

9. And in case of vacancy in the office of mayor, recorder, aldermen, or common councilmen, the vacancy shall be filled up in the following manner: The recorder shall succeed the mayor, the eldest alderman succeed the recorder, and so on, according to priority, to be reckoned by the number of votes at the last election. And if a vacancy shall happen among the common councilmen, his place shall be filled from the body of the freeholders within the town, by ballot of the mayor, recorder, aldermen and common councilmen.

Vacancies how to be filled.

10. *And be it farther enacted*, That the mayor, recorder, and two of the aldermen, shall have power, so often as they find occasion, to summon a common council of the said town, which shall consist of the mayor, recorder, two aldermen and four common councilmen at the least; that no law, order or regulation shall be binding and valid, nor shall the same be revoked or altered, or fine imposed for a breach thereof, unless seven members concur therein.

Common council how to be summoned and held.

11. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 33.—An ACT to incorporate the trustees of the Bellfield academy in the town of Bellfield and county of Greenville.

(Passed December 29, 1801.)

1. Whereas application hath been made to the present general assembly by the trustees of the Bellfield academy, in the town of Bellfield and county of Greenville, to pass an act to incorporate them:

Preamble.

Trustees appointed and incorporated.

2. *Be it therefore enacted*, That Richard A. Blount, Belfield Stark, Person Williamson, Lewis Dupree, Person Turner, John Goodwyn, John Fisher, William Stewart, Daniel Fisher, Thomas Pelham, Braxton Robinson, William Dennison, William Purnell, William Stokes, and Philip Claiborne, gentlemen, shall be, and they are hereby constituted a body politic and corporate by the name of "*The trustees of Belfield academy*," and by that name shall have perpetual succession and a common seal.

Their powers.

3. The said trustees and their successors, by the name aforesaid, shall be capable in law, to purchase, receive and hold to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased, devised, or given to, or by them, for the use of the said academy, and to sell and dispose of the same, in such manner as to them shall seem most conducive to the advantage of the said academy, and all property which shall come to the hands of the said trustees under this law, shall be applied to, and be held for the use of the said Belfield academy, for the purpose of contributing to the education of youth. The said trustees by the name aforesaid, may sue and be sued, implead and be impleaded, in any court of law or equity. The said trustees, or a majority of them, shall have power from time to time, to make and establish such bye-laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall judge necessary, for the good government of the said academy, and to appoint a president, secretary, tutors, and treasurer, who shall receive all monies accruing to the said academy, and property delivered to his care, and pay or deliver the same to the order of the said trustees; and before he enters upon the execution of his office, shall give bond and security in such sum, as the said trustees shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him, and that he will, when required by the said trustees, render a true and just account of all monies, goods and chattels received by him, on account of, and for the use of the said academy. The treasurer shall receive such salary, as may be allowed by the trustees; and if he fails to render, when required, a just and true account of all monies, goods and chattels, which may have come to his hands, by virtue of his office, it shall be lawful for the said trustees to obtain judgment for the amount or value thereof, by motion in any court of record in this commonwealth, against the said treasurer, and execution shall thereupon issue in like manner as by law directed against sheriffs for the non-payment of taxes: *Provided always*, Ten days previous notice in writing, shall be given the said treasurer, of every such motion.

Vacancies how to be supplied.

4. In case of the death, or removal to the distance of twenty miles from the said academy, resignation or other legal disability, of any one or more of the said trustees, such vacancy from time to time, shall be supplied by the choice of the remaining trustees, or a majority of them.

Commencing clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 34.—An ACT concerning the town of Front Royal.

[Passed December 29, 1801.]

1. *Be it enacted by the general assembly*, That Charles M. Thruston, Hezekiah Turner, Charles Buck, Samuel Richardson, William Allen, and William Jennings, junior, gentlemen, be and they are hereby appointed trustees of the town of Front Royal, in the county of Frederick, in addition to the trustees appointed by the act passed the fifteenth day of November, 1788, entitled "*An act for establishing a town near Chester's gap in the county of Frederick*;" any five of whom are hereby authorized and empowered to carry the same into full effect.

Additional trustees appointed.

2. *And be it further enacted*, That on the second Monday in March next, the freeholders and such free white male persons above the age of twenty-one years, as shall have resided in the said town at least one year next preceding, shall be, and they are hereby authorized to meet at the Eagle tavern in the said town, and then and there elect five fit and proper persons, being freeholders and inhabitants thereof, as trustees of the said town, to continue in office one year then next following. And in like manner the said freeholders and such free white male persons, as shall have been residents of the said town, at least one year next preceding the day of election, shall annually thereafter, on the second Monday in March, meet at such place as shall be appointed by the trustees last in office, and then and there elect five other fit and proper persons to act as trustees of the said town. Any three of the trustees hereafter to be appointed, shall be, and they are hereby authorized and empowered to make such bye-laws, rules and regulations, not contrary to the laws and constitution of this state or the United States, as they may deem necessary for regulating the police of the said town; and also to impose taxes not exceeding one hundred dollars annually, on the inhabitants and property real and personal within the said town, for carrying into effect such bye-laws and regulations.

How others to be appointed.

Their powers.

3. This act shall be in force from the passing thereof.

Commencing clause.

CHAP. 35.—An ACT to establish an inspection of tobacco on the land of James Martin, in the town of Lynchburg.

[Passed December 30, 1801.]

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and the same is hereby established on the land of James Martin, in the town of Lynchburg, and county of Campbell, the proprietor whereof, shall build at his own expense, sufficient houses of brick or stone, to be covered with slate or tile, and to be called and known by the name of Martin's warehouse. There shall be allowed and paid annually to the inspectors at Martin's warehouse, the sum of one hundred and sixty-six dollars and sixty-seven cents, each, for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public.

Inspection established.

Inspectors' salaries.

2. The inspectors of Martin's warehouse, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the bateau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number, and weight of the tobacco, which

Their duties.

Duties of inspectors in Richmond.

tobacco when delivered to a waggon, shall be by the driver thereof delivered with the manifest, to the inspectors at any of the warehouses in the city of Richmond, who are hereby required to receive the same, and enter the said tobacco, agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation when required. The inspectors at the warehouses in the city of Richmond are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco, and the inspectors at each of the warehouses in the city of Richmond, shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco relanded from board any vessel, and be appropriated in like manner as the tax or rent of such relanded tobacco is by law directed.

Duties on tobacco inspected, how to be collected.

3. The impost and duty on tobacco inspected at Martin's warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it is otherwise directed by this act.

Inspectors to be recommended.

4. So soon as convenient houses for the reception of tobacco shall be built by the said James Martin, pursuant to the directions of this act, the court of the said county of Campbell, shall recommend fit persons to be commissioned inspectors thereof.

Tobacco passed at Martin's warehouse not receivable in discharge of certain tobacco contracts. Commencing clause.

5. No person shall be obliged to receive any notes for tobacco passed at Martin's warehouse in discharge of any tobacco contract heretofore entered into.

6. This act shall commence and be in force from and after the passing thereof.

CHAP. 36.—An ACT to establish an inspection of tobacco on the lands of Charles Yancey, in the county of Buckingham.

(Passed December 20, 1801.)

Inspection established.

1. *Be it enacted by the general assembly*, That an inspection of tobacco shall be, and the same is hereby established on the lands of Charles Yancey, lying on James river, in the county of Buckingham, the proprietor whereof shall build sufficient houses at his own expense, to be called and known by the name of Swan creek warehouses, to be under the same inspection with Swan creek warehouse in the county of Amherst.

Duties of the inspectors.

2. The inspectors at Swan creek warehouse, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the bateau or canoe, or owner or driver of a waggon, when delivered to the latter, with the marks, number and weight of the tobacco, and stamped with the warehouse name, which tobacco when delivered to a waggon, shall be by the driver thereof delivered with the manifest, to the inspectors of any of the warehouses in the city of Richmond, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation

Duties of inspectors in Richmond.

when required. The inspectors at the warehouses in the city of Richmond, are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco; and the inspectors at each of the warehouses in the city of Richmond shall demand and receive for all tobacco brought to the said warehouses by virtue of this act, the same warehouse rent as is allowed for tobacco relanded from board any vessel, and be appropriated in like manner as the tax or rent of such relanded tobacco is by law directed.

3. The impost and duty on tobacco inspected at Swan creek warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it is otherwise directed by this act. If the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be made up by the public.

Duties on tobacco, how to be collected.

4. No person shall be obliged to receive any notes for tobacco passed at Swan creek warehouse, in discharge of any tobacco contract heretofore entered into.

Certain tobacco contracts not to be discharged in tobacco inspected at Swan creek warehouse. Commencing clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 37.—An ACT to empower the courts of Ohio, Patrick and Hardy counties to authorize certain persons to solemnize the rites of marriage.

(Passed December 30, 1801.)

1. *Be it enacted by the general assembly*, That the courts of the counties of Ohio, Patrick and Hardy, shall and may respectively appoint two persons, being actual residents of the said counties, who shall be authorized and have full power to celebrate the rites of matrimony within the counties wherein such appointment shall be made; and in case of the death, inability to act, or removal out of the counties of either of the persons so appointed, it shall be lawful for the courts of the counties from whence he so removed, from time to time, to supply such vacancy; and the persons so appointed, shall have the like powers as those originally appointed.

Persons to be appointed to solemnize the rites of marriage.

2. Every person appointed as aforesaid, shall qualify himself in like manner, discharge the like duties, be subject to the like penalties for breach thereof, recoverable in like manner, and shall be entitled to the same fees, as are directed and prescribed in the acts of assembly, regulating the solemnization of matrimony.

Their duties, &c.

3. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 38.—An ACT to amend the act establishing an academy on the glebe lands of Martin's Brandon parish in Prince George county.

(Passed December 30, 1801.)

1. Whereas the act establishing an academy on the glebe lands in Martin's Brandon parish in Prince George county, has been impeded in its operation by the number of trustees necessary to constitute a board:

Preamble.

2. *Be it enacted by the general assembly*, That any five of the said trustees, or their successors, shall in future be a sufficient num-

Five trustees sufficient to act.

ber to constitute a board, and shall be vested with the same powers that were originally granted to a majority of the said trustees.

Commencing
clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 39.—An ACT to increase the salaries of the inspectors of tobacco at North and South Wicomico warehouses, and for other purposes.

(Passed December 31, 1801.)

Salaries altered.

1. *Be it enacted by the general assembly*, That instead of the salaries now allowed by law to the inspectors of tobacco at North and South Wicomico warehouses in the county of Northumberland, each of the said inspectors shall hereafter be entitled to receive the sum of one hundred and sixty-six dollars and sixty-seven cents yearly, as a salary for his services as inspector at the said warehouses.

Deficiency of salaries of present inspectors, how to be paid.

2. *And be it further enacted*, That the auditor of public accounts shall be, and he is hereby authorized and required to issue to Richard Hudnall and James Harcum, the present acting inspectors at the said warehouses, a warrant or warrants for the deficiency of their salaries for two years last past, at the rate of twelve pounds ten shillings each per annum, being the difference between the rate at which they were formerly fixed, and the rate at which they were paid by mistake, by the act lately passed for reviving the said inspection: *Provided*, That if the duties arising from the exports of tobacco from the said warehouses, shall not be sufficient to pay the inspectors' salaries and other charges, the deficiency shall not be made good by the public.

Proviso.

Commencing
clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 40.—An ACT authorizing John Barnett and others to build a toll-bridge across Dan river.

(Passed December 31, 1801.)

Toll-bridge to be erected.

1. *Be it enacted by the general assembly*, That it shall be lawful for John Barnett, Thomas Barnett, John Walker and Thomas Worsham, their heirs and assigns, to erect a bridge from the land of the said John Barnett across Dan river, to the land of Thomas Worsham, opposite the town of Danville in the county of Pittsylvania.

Tolls established.

2. So soon as the said bridge shall be compleated, it shall be lawful for the said John Barnett, Thomas Barnett, John Walker and Thomas Worsham, their heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man four cents, and for an horse the same; for every coach, chariot, four wheel chaise or waggon, and the driver thereof, the same as for six horses; for every cart, two wheeled chaise or chair, the same as for two horses; for every hogshhead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat or lamb, one fifth part of the toll for one horse; and for every hog, one fourth part of the toll for one horse, and no more, until the legislature shall again think proper to regulate the said tolls.

Penalty for demanding greater rates.

3. If the collector of tolls at the said place shall demand and receive from any person greater rates than are hereby allowed for the passage of every thing, he shall, for every such offence, forfeit and

pay to the party grieved, the tolls demanded and received, and two dollars, to be recovered before a justice of the peace by warrant.

4. This act shall commence and be in force from and after the passage thereof. Commencing clause.

CHAP. 41.—An ACT to establish a town on the lands of Nicholas C. Davis and Thomas W. Cocke in the county of Amherst.

(Passed December 31, 1801.)

1. *Be it enacted by the general assembly*, That thirty acres of land, the property of Nicholas C. Davis and Thomas W. Cocke, lying at Davis's lower ferry in the county of Amherst, shall be and are hereby vested in Thomas Moore, Reuben Pendleton, John Ellis, Nelson Crawford, Lewis Dawson, James Ware and Richard Harrison, gentlemen trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets and alleys, and established a town to be called and known by the name of Bethell. A town established and trustees appointed.

2. *And be it further enacted*, That so soon as the said land shall be laid off as aforesaid, the said trustees, or a majority of them, shall proceed to sell the same at public auction, for the best price that can be had, on twelve months credit, the time and place of such sale being previously advertised for two months successively, in some one of the newspapers within this commonwealth, taking bond and security for the same, payable to the said Nicholas C. Davis and Thomas W. Cocke, their heirs and assigns, which bonds the said trustees, or a majority of them, shall cause to be delivered to the said Nicholas C. Davis and Thomas W. Cocke, and to convey the lots so sold to the purchasers in fee; subject to the condition of building on each, a dwelling house at least sixteen feet square, with a brick or stone chimney, to be finished fit for habitation within seven years from the day of such sale. Lots how to be sold.

3. The said trustees, or a majority of them, are empowered to make such rules and orders for the regular building of houses in the said town, as to them shall seem best; and to settle and determine all disputes concerning the bounds of the said lots. If the purchaser of any lot in the said town shall fail to build thereon within the time herein before limited, the trustees of the said town, or a majority of them, shall enter into such lot, and sell the same again, and apply the money arising from such sale towards the improvement of the streets, and other public purposes within the said town. Powers of trustees.

4. Vacancies by death or otherwise, of any one or more of the said trustees, shall be supplied by an election to be made by the remaining trustees, or a majority of them. Vacancies in trustees how to be supplied.

5. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 42.—An ACT for refunding a sum of money to Nathaniel Wyche late sheriff of Sussex county.

(Passed January 1, 1802.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts shall be, and he is hereby authorized and required, to issue to Nathaniel Wyche, late sheriff of Sussex county, in person or by attorney, a warrant for the sum of one hundred and twenty-six dollars and fifty-seven cents, the amount of insolvencies A warrant to be issued to N. Wyche.

in the tax due from the said county, for the year one thousand seven hundred and ninety-eight, collected by him and wholly paid into the public treasury, under an expectation that the said amount of insolvencies would afterwards be allowed him in payment of the tax due from the said county, for the year one thousand seven hundred and ninety-seven, also collected by him under an appointment from the executive, and which was permitted by them to be paid by instalments, which said allowance, however, when requested at the time of paying into the treasury the last instalment of the said last mentioned tax, was refused him by the auditor; and the warrant so issued shall be paid by the treasurer out of any money in the public treasury.

Commencing
clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 43.—An ACT for enlarging the stock of the Upper Appomattox company, and for other purposes.

(Passed January 1, 1802.)

Preamble.

1. Whereas it is represented to this present general assembly, that the number of shares already subscribed in the Upper Appomattox company, will not be sufficient to complete the navigation of the said river:

Public treasurer to
subscribe for additional
number of
shares.

2. *Be it enacted*, That whensoever the trustees of the said company shall have received subscriptions for one hundred new shares in addition to the number already subscribed, it shall be the duty of the said trustees to make known the same to the treasurer of this commonwealth, who shall, on receiving such notification, subscribe for and on behalf of this commonwealth, twenty-five shares in addition to the interest already held by the commonwealth in the said company; and when the additional subscriptions shall be completed, the rights, privileges and obligations of the new subscribers shall be the same, and subject to the same summary mode of process in case of delinquency, as the original subscribers now are: *Provided nevertheless*, That no requisition shall be made on the additional shares until all the money shall have been required, which was heretofore subscribed.

How shares to be
transferred.

3. *And be it further enacted*, That it shall and may be lawful for every of the said proprietors to transfer his or her share or shares by deed in writing, proved by two witnesses, or acknowledged before any court of law, or the mayor or other chief magistrate of any city, town or corporation of the county in which the party shall dwell, and not otherwise, (except by devise) and such deed shall not be good against subsequent purchasers for valuable consideration, not having notice thereof, unless the proof or acknowledgment of such deed shall be certified by the court, mayor, or chief magistrate, before whom the same shall be proved or acknowledged, in the manner such acts are usually authenticated by them and lodged with the clerk of the company, to be registered, in the said company's books, within eight months after the execution of the said deed, when the party resides within this commonwealth, and within eighteen months after the execution of the said deed when the party shall reside out of the state. And before any devisee or devisees shall be entitled to draw any part of the profits arising from the tolls, or other profits arising from the property of the said company, an authenticated copy of the will under which he or she claims,

shall be lodged with the clerk of the company, and registered in the said company's books: *Provided*, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for a part of such shares, and that no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit, or in the name of another, whereby the said trustees, superintendants or shareholders of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust; but that every such person, appearing as aforesaid to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such; but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

No transfer to be made for a part of a share.
Regulation as to conveyances in trust.

4. *And be it further enacted*, That so much of the eleventh section of the act passed in December, one thousand seven hundred and ninety-five, entitled, "*An act to amend and reduce into one act, the several acts for opening and extending the navigation of Appomattox river*," as comes within the purview of this act, shall be and the same is hereby repealed.

Repealing clause.

5. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 44.—An ACT for refunding a sum of money to William Burge, administrator of Drury Burge, deceased.

(Passed January 2, 1802.)

1. *Be it enacted by the general assembly*, That the sum of one hundred and thirty-six dollars and twenty-nine cents, the surplus of a sum of money for which a tract of land in Charlotte county belonging to Drury Burge, was sold in the year one thousand seven hundred and ninety-five, by the sheriff of the said county for the payment of arrears of taxes due from the said Burge, and which after remaining in the hands of the said sheriff more than six years, was at length wholly paid by him into the public treasury (except a small sum deducted for commissions,) shall be, and the same is hereby refunded to William Burge, administrator of the said Drury Burge, deceased: And to that end the auditor of public accounts shall be, and he is hereby authorized and required to issue to the said William Burge in person, or by attorney, a warrant on the treasurer for the said sum of one hundred and thirty-six dollars and twenty-nine cents, to be paid by the treasurer out of any money in the public treasury.

How to be refunded.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 45.—An ACT for adding part of the county of Botetourt to the county of Monroe, and part of the county of Randolph to the county of Harrison.

(Passed January 2, 1802.)

1. *Be it enacted by the general assembly*, That all that part of the county of Botetourt within the following boundaries to wit: Beginning at the top of the middle mountain, on the east side of Potts creek, at the line where Montgomery intersects said mountain, thence down the top of said mountain as far as that part thereof which is opposite the lower end of David Edgar's plantation, on the said creek, and thence with a straight line north-west, or such bearing as will include Samuel Logue's plantation on Dunlap's creek,

Addition to Monroe county.

and so continued on to the line of Greenbrier county, shall be and it is hereby added to, and made a part of the county of Monroe.

Addition to Harrison county.

2. *And be it further enacted*, That all that part of the county of Randolph, commonly called Buchannon settlement, within the following boundaries to wit: Beginning on the dividing ridge at the head of Stone Cole, thence running down Bull run to French creek, thence with said creek to Buchannon river, thence down the same to the lines of Christopher Strader's survey, thence with the same reversed to John Jackson's lines, and with the same to a fourteen hundred acre survey of George Jackson, thence with the same to the mouth of Childre's run, thence down Buchannon river to the line of Harrison county, and with the said line to the beginning, shall be and it is hereby added to, and made a part of the county of Harrison.

Regulations as to sheriffs of Botetourt and Randolph.

3. It shall be lawful for the sheriffs of the said counties of Botetourt and Randolph, to collect and make distress for any public dues or officers' fees, which shall remain unpaid by the inhabitants of those parts of the said counties, as are hereby respectively added to the counties of Monroe and Harrison, and shall be accountable for the same in like manner as if this act had not been made.

Repealing clause.

4. So much of any act as comes within the meaning of this act is hereby repealed.

Commencing clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 46.—An ACT authorizing Edmund Terrel to build a toll-bridge over Rapid Ann river.

(Passed December 22, 1801.)

Toll bridge to be erected.

1. *Be it enacted by the general assembly*, That it shall be lawful for Edmund Terrel, his heirs and assigns, to erect a bridge from his land in the county of Orange, across the river Rapid Ann, at the place called Barnett's ford, to the land opposite, on which Madison's mill is built in the county of Madison.

Tolls.

2. So soon as the said bridge shall be compleated, it shall be lawful for the said Edmund Terrel, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say: For a man eight cents, and for an horse the same; for every coach, chariot, four wheeled chaise or waggon, and the driver thereof, the same as for six horses; for every cart, two wheeled chaise or chair, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of nett cattle, as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage for one horse; and for every hog, one fourth part of the ferriage for one horse, and no more, until the legislature shall again think proper to regulate the said tolls.

Penalty for demanding greater rates.

3. If the collector of tolls at the said place shall demand and receive from any person greater rates than are hereby allowed for the passage of every thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars, recoverable by warrant.

Commencing clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 47.—An ACT for discharging Robert Alexander, clerk of Campbell county court, from a certain judgment obtained against him in behalf of the commonwealth.

(Passed January 2, 1802.)

1. *Be it enacted by the general assembly*, That Robert Alexander, clerk of Campbell county court, shall be, and he is hereby fully and absolutely discharged from a judgment rendered against him at one of the terms of the general court in the present year, eighteen hundred and one, in behalf of the commonwealth, for the penalty of six hundred dollars, for his failure to pay into the treasury within the time prescribed by law, the tax on law process, collected by him as clerk between the first day of October, one thousand seven hundred and ninety-nine, and the first day of October, eighteen hundred; any law to the contrary notwithstanding.

Robert Alexander discharged from certain judgment.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 48.—An ACT for allowing to James M'Clenny, sheriff of Nansemond county, an additional commission on a certain tax by him collected.

(Passed January 4, 1802.)

1. *Be it enacted by the general assembly*, That James M'Clenny, sheriff of Nansemond county, who qualified as sheriff, on the eighth day of December, in the year eighteen hundred, and besides collecting and paying into the public treasury in due time, the tax due from the said county for the said year, also collected and paid into the treasury, before the first day of October in the present year, the tax due from the said county for the year one thousand seven hundred and ninety-nine, there having been previous to his qualification no sheriff in office to collect the same, shall be, and he is hereby, in consideration thereof, entitled to receive an additional commission of two and an half per centum, on the amount of the tax due for the said last mentioned year, by him collected and accounted for as aforesaid: And to that end the auditor of public accounts is hereby authorized and required to issue to the said James M'Clenny, a warrant for the amount of the said collection commission on the said last mentioned tax, which warrant shall be paid by the treasurer out of any money in the public treasury.

An additional commission on certain tax to be paid James M'Clenny.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 49.—An ACT for adding part of the county of Sussex to the county of Greenville.

[Passed January 4, 1802.]

1. *Be it enacted by the general assembly*, That all that part of the county of Sussex, lying on the south side of the Three creeks, and bounded as followeth, to wit: Beginning where the line of the said county of Sussex and Greenville crosses the said creeks, thence down the south side of the said creek, to the fork at the head of the Indian island, on the land of Lewis Thorp; thence down the most southern branch to the line of Southampton county, shall be, and the same is hereby added to, and made a part of the county of Greenville: *Provided always*, That nothing herein contained, shall be construed to hinder the sheriff or collector of the said county of Sussex, from collecting and making distress for any public dues or officers' fees, which shall remain unpaid by the in-

Addition to Greenville county.

Regulation as to sheriff of Sussex county.

habitants of that part of the said county, hereby added to the county of Greenville, and shall be accountable for the same in like manner as if this act had not been made.

Repealing clause. 2. So much of any act as comes within the meaning of this act, is hereby repealed.

Commencing clause. 3. This act shall commence and be in force from and after the passing thereof.

CHAP. 50.—An ACT allowing to William Bishop an additional compensation for collecting the taxes therein mentioned.

(Passed January 5, 1802.)

Additional compensation allowed William Bishop for collecting certain taxes.

1. *Be it enacted by the general assembly*, That William Bishop, who was appointed collector of the revenue taxes, due in the county of Princess Anne, for the years one thousand seven hundred and ninety-six, ninety-seven, ninety-eight and ninety-nine, shall be, and he is hereby allowed a compensation, at the rate of two and a half per centum, in addition to the commission heretofore allowed him, on the amount paid by him into the treasury, on account of the taxes aforesaid; and the auditor of public accounts is hereby directed to issue to the said William Bishop, a warrant on the treasurer for such additional compensation.

Commencing clause.

2. This act shall be in force from and after the passing thereof.

CHAP. 51.—An ACT authorizing Larkin Stanard to discharge by instalments the judgment therein mentioned.

(Passed January 5, 1802.)

Larkin Stanard allowed to discharge a certain judgment by instalments.

1. *Be it enacted by the general assembly*, That Larkin Stanard, a joint security of Nicholas Payne, who was sheriff of Spottsylvania county for the years one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three, shall be, and he is hereby allowed to discharge the balance due of a judgment obtained on behalf of the commonwealth, against the said Nicholas Payne, for the revenue taxes due in the said county for the said year one thousand seven hundred and ninety-three, by paying the same in three annual and equal payments; the first whereof shall be made on the first day of October, eighteen hundred and two: *Provided however*, That the said Larkin Stanard shall not have the benefit of this act until he shall enter into bond, payable to the governor and his successors, with such security as shall be approved of by the executive, for the payment of the balance of the aforesaid judgment, in the manner before directed; which bond shall be transmitted by the executive to the auditor of public accounts, who is hereby authorized to move thereon in the general court, after ten days previous notice to the obligors as in other cases, unless the same be punctually paid: *Provided also*, That nothing herein contained shall be so construed as to prevent the auditor of public accounts from proceeding against the said Payne and William Trigg, his other security, in the same manner that he might have done if this act had never been made.

To enter into bond, &c.

Auditor allowed to proceed against others.

Commencing clause.

2. This act shall be in force from the passing thereof.

CHAP. 52.—An ACT to explain and amend an act for altering the place of holding courts in the county of Isle of Wight.

(Passed January 6, 1802.)

1. Whereas by an act, entitled, "*An act for altering the place of holding courts in the county of Isle of Wight*," the right of the commonwealth in the public buildings in the town of Smithfield, in the county of Isle of Wight, is vested in Francis Boyakin:

2. *Be it therefore enacted*, That the lands set apart for the use of the said buildings, shall be vested in the said Francis Boyakin, his heirs and assigns: *Provided*, That this act shall not be so construed as to affect the right, title or interest of any person or persons, bodies corporate or politic, in or to the said lot of land, other than the right of the commonwealth.

3. This act shall be in force from the passing thereof.

Commencing clause.

CHAP. 53.—An ACT to amend an act, entitled, "*An act concerning the slopes in the mill dams on the South branch of Potowmac*."

(Passed January 6, 1802.)

1. *Be it enacted by the general assembly*, That the courts of the counties of Hampshire, Hardy and Pendleton, shall, and they are hereby required, at the courts to be held for their respective counties in the months of April or May next, to appoint each two commissioners, for the purposes in the said recited act mentioned. And it shall moreover be the duty of the said courts respectively, in the months of April or May, in any subsequent year, upon the application of any person who shall think himself aggrieved by the erection of a dam across the said river, in like manner to appoint two commissioners, who shall perform the like duties as are required of the commissioners first to be appointed under this act. And if either of the said courts shall fail in the duty herein required, each of the sitting members composing such court, shall forfeit and pay the sum of fifteen dollars.

Regulation concerning mill dams on South branch of Potowmac.

2. *And be it further enacted*, That the commissioners so appointed, shall meet at Romney, on the third Tuesday in June next, and on the same day in every subsequent year in which they may be appointed by their respective courts; and if a majority of the commissioners shall not meet on the day last aforesaid, any one of them who may be present, shall adjourn the meeting from day to day, for the space of three days, unless a majority shall sooner appear, in which case they shall immediately proceed to the discharge of the duties by the said recited act required; but if they shall be prevented from proceeding therein, by high water, they shall appoint some other day for their meeting, within one month thereafter, which meeting may be adjourned in the manner before directed.

Duty of commissioners relative thereto.

3. *And be it further enacted*, That each commissioner so appointed, shall be allowed two dollars per day, whilst he is employed in the execution of the duties by this and the above recited act required, to be levied in the next levy, in the county from which he received his appointment; and every commissioner failing therein, shall forfeit and pay a fine of fifty dollars, unless he shall be able to give a reasonable excuse for his non-attendance.

Their pay.

Penalty for neglect of duty.

4. *And be it further enacted*, That all the forfeitures in this act, shall be recovered with costs, by action of debt or information in any court of record within this commonwealth, by any person

How to be recovered and appropriated.

who will sue for the same, and applied, one half to lessening the county levy and the other half to the person suing for the same.

Commencing
clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 54.—An ACT giving further time to the purchasers of lots in the towns of New Canton and Barnardsburg to build thereon.

(Passed January 9, 1802.)

Five years al-
lowed.

Be it enacted by the general assembly, That the further time of five years from and after the passing of this act, shall be allowed the purchasers of lots in the towns of New Canton and Barnardsburg to build upon, and save the same from forfeiture; any law to the contrary thereof in any wise notwithstanding.

CHAP. 55.—An ACT to prevent hogs running at large in the towns of Harrisonburg and Charlestown.

(Passed January 9, 1802.)

Lawful to kill
swine running at
large in said
towns.

1. *Be it enacted by the general assembly,* That if any person residing in the towns of Harrisonburg in the county of Rockingham, or in Charlestown in the county of Brooke, owner of swine, shall suffer the same to run at large within the limits of the said towns, it shall and may be lawful for any person to kill the same, without being liable to any damage whatsoever for so doing.

Commencing
clause.

2. This act shall commence and be in force from and after the first day of March next.

CHAP. 56.—An ACT to establish an inspection of tobacco on the lands of Robert Watkins in the county of Chesterfield.

(Passed January 9, 1802.)

Inspection estab-
lished.

1. *Be it enacted by the general assembly,* That an inspection of tobacco shall be, and the same is hereby established on the land of Robert Watkins, on the north side of the river Appomattox in the county of Chesterfield, opposite to the town of Petersburg, who shall build at his own expense, convenient houses of brick or stone, to be covered with slate or tile, to be called and known by the name of Archer's Hill warehouse.

Salaries of inspec-
tors.

2. There shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of two hundred dollars for their salary.

Duties on tobacco
inspected.

3. The impost and duty on tobacco inspected at the said warehouse shall be the same, and collected, accounted for, and paid in like manner as is directed and prescribed by law for other tobacco inspections.

Inspectors be re-
commended.

4. So soon as convenient houses shall be built as aforesaid, in the opinion of the court of the said county of Chesterfield, such court shall enter the same of record, and thereupon recommend fit persons to be commissioned inspectors thereof: *Provided always,* That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public.

Commencing
clause.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 57.—An ACT to amend and reduce into one the several acts of assembly for improving the navigation of Appomattox river, from Broadway to Pocahuntas bridge.

(Passed January 9, 1802.)

1. *Be it enacted by the general assembly*, That books shall be opened in the town of Petersburg, on the first day of February next, under the management of Robert Bolling, Joseph Jones, James Campbell, John Osborne, James Cureton, Edward Pegram and John Grammar, for receiving subscriptions for the purpose of deepening the channel of the said river. The subscriptions shall be made personally or by power of attorney, and shall be in current money. The capital to be subscribed shall be forty thousand dollars, and shall be divided into two hundred shares of the value of two hundred dollars each. So soon as one half of the said capital shall be subscribed, the managers before named, shall, by advertisement in the Petersburg Gazette, call a general meeting of the subscribers at the said town of Petersburg. The subscribers who are present at the said meeting, shall choose a president and four directors, and thereafter the subscribers, their heirs and assigns, shall be incorporated into a company, by the name of the Lower Appomattox Company, and by that name may sue and be sued.

Books to be opened for receiving subscriptions.

Company incorporated.

2. The president and directors shall continue in office for one year, and from thence until the next meeting of the company, and they, or a majority of them, shall have power to receive subscriptions until the capital is compleated; to contract with any persons on behalf of the company, for deepening the channel of the said river, from Pocahuntas bridge to Broadway, and for keeping the same open; to appoint such officers as they may deem necessary for the service of the company; to call a meeting when necessary, to receive the sums subscribed, and to transact all the other business and concerns of the company.

Powers of president and directors.

3. If any subscriber shall fail to pay the proportion of the subscription required of him, within one month after such requisition is made, the said president and directors may recover the same by motion in the district court of Petersburg, with costs and interest, provided ten days notice be given such subscriber.

Remedy against delinquent subscribers.

4. There shall be a meeting of the said company, on the first Monday in May in every year, at which members or their proxies, having at the least one hundred and five shares, shall be present, but at any intermediate meeting, members or proxies, having sixty shares, shall be sufficient. If on the first day a sufficient number of members shall not attend, the meeting may be adjourned from day to day, until a sufficient number attend. In counting the votes, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares after ten. The said company at their annual meeting, may call upon the president and directors for an account of their proceedings and contracts, and of the money received and disbursed by them, and may allow them a sum for their services; may displace the said president and directors, or any of them; may lower the tolls hereafter allowed them, and exempt any vessel from the payment thereof; and shall after leaving a sufficient sum for the expenses attending repairs and other contingent charges, make an equal dividend of the nett pro-

Meetings of the company and business thereat.

fits arising from tolls amongst themselves, according to their respective proportions.

Tolls allowed.

5. In consideration of the expenses incurred by the said company, in deepening the bed of the said river, and keeping the same open, the members of the said company, their heirs and assigns, shall be entitled to the tolls hereinafter mentioned, forever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from the payment of any tax or imposition whatsoever. It shall be lawful for the said company to demand and receive, at the place called the Bakehouse, on the river Appomattox, or at such other places as the said president and directors shall appoint, tolls from vessels drawing five feet water and upwards, for their passage by or through the said places, according to the following table and rates, to wit: On vessels drawing five feet, one and six pence for every foot such vessel draws; on vessels above five and not exceeding five and a half feet, three shillings per foot; on vessels of five and a half and not exceeding six feet, three shillings and nine pence per foot; on vessels of six and not exceeding six feet and a half, four shillings and six pence per foot; on vessels of six and a half and not exceeding seven feet, five shillings and three pence per foot; on vessels of seven and a half feet and not exceeding eight, six shillings per foot; on vessels of eight feet, six shillings and nine pence per foot; on vessels of eight feet and a half, seven shillings and six pence per foot; on vessels of nine feet, nine shillings per foot; and on all vessels of more than nine feet, ten shillings per foot. Which tolls are rated

To be paid on certain conditions.

in money, and may be discharged in gold or silver coin at their current value. The tolls herein before allowed, shall be paid on condition only, that the said Appomattox river shall be made navigable in any season from Broadway to Pocahuntas bridge, by vessels drawing seven feet water; and in case the said company shall not begin the work within two years, and complete the same within seven years after the passing of this act, then the said company shall not be entitled to any benefit or privilege under this act.

Regulation where payment of tolls is refused.

6. If payment of the said tolls shall be refused, when any vessel from which the same are demandable offers to pass by or through the said places herein before named, the collectors may lawfully refuse passage to such vessel; and if any such vessel shall pass without paying tolls, the master, skipper, or owner of such vessel, shall forfeit and pay to the said company seven dollars for every foot of water which it may draw, to be recovered on motion and ten days notice in any court of record within this commonwealth.

The river to be free for passage of vessels paying tolls.

7. The said river, when deepened as aforesaid, shall be considered and taken forever as a public highway for the passage of vessels, laden or unladen, upon payment of the tolls aforesaid; but the said river shall nevertheless be subject to such regulations as may be prescribed by the laws of this state, or of the United States.

How shares to be held and transferred.

8. The shares in the said company shall be held and transferred by the proprietors thereof, in the same manner, and on the same conditions, as the shares of the proprietors in the Upper Appomattox company.

Certain vessels free from tolls.

9. Nothing herein contained shall be construed to prevent vessels drawing less than five feet water, from using and navigating the said river free from toll, nor shall the private right of any individual owning a fishery on the said river, be affected.

10. All acts and parts of acts coming within the purview of this Repealing clause. act, shall be, and the same are hereby repealed.

11. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 58.—An ACT concerning the salary of the public printer.

(Passed January 9, 1802.)

1. Whereas it has been represented to this assembly that the printing of the journals of the house of delegates, and of the acts of each session of the legislature of this commonwealth, comprise the chief expense of the public printer; and that the materials and labour necessary for the accomplishment of these two branches of his duty, require an immediate advance of money: Preamble.

2. *Be it therefore enacted by the general assembly,* That when the public printer shall have delivered the number of copies of the acts of the present session, which by law he is bound to furnish for the use of this commonwealth, the governor, with the advice of council, shall be authorized to direct the auditor of public accounts to grant to the said printer a warrant on any fund, for such part of his annual salary as he may, with the advice aforesaid, think proper, reserving a sufficient sum out of the said salary to insure a faithful execution of the other branches of the duty of the said printer, as prescribed by law. Part to be paid when the laws are delivered.

CHAP. 59.—An ACT to incorporate the trustees of Washington Henry academy in the county of Hanover.

(Passed January 9, 1802.)

1. Whereas it is represented to the general assembly by the surviving acting trustees of the academy in the county of Hanover, commonly known by the name of Washington Henry, that it would promote the success of that institution if the said trustees were incorporated, and the rights which they hold in the real and personal property appropriated to the said academy, were transferred to them in a corporate capacity: Preamble.

2. *Be it therefore enacted,* That from and after the passing of this act, the said surviving acting trustees, to wit: Thomas Tinsley, Edmund Randolph, Meriwether Jones, William Pollard, Benjamin Oliver, junior, Samuel Scherer, Gervas Storrs, William Trueheart, John Seabrook, John A. Richardson, Roger Gregory, Henry Timberlake, Benjamin Pollard, Thomas Starke and Thomas Austin, shall be a body politic and corporate, and denominated *The Trustees of Washington Henry Academy*, and under that stile and title, they and their successors, or a majority of them, may sue and be sued, implead and may be impleaded, and shall have perpetual succession, and may recover, hold and possess, all the property, real and personal, which hath been or shall hereafter be conveyed, given, assigned or transferred, for the use of the institution aforesaid; and more especially a certain tract of land lying in the parish of Saint Paul, in the said county of Hanover, conveyed on the sixth day of September, in the year one thousand seven hundred and seventy-nine, by Charles Allen and Mary his wife, to John Syme, William Macon, William Craghead, Samuel Meredith, Turner Southall, Martin Burton, Thomas Prosser, Robert Goode, Richard Squire Taylor and Anthony New, under the denomination of Managers and Trustees of the Washington Henry Academy, now to be erected. Trustees incorporated.

on the lands purchased of the said Allen and Mary his wife, in the county of Hanover and parish of Saint Paul, to them and their survivors and successors forever, as by the deed of conveyance duly recorded in the court of the county of Hanover, on the seventh day of October, one thousand seven hundred and seventy-nine, more at large will appear.

Vacancies how to be supplied.

3. *And be it further enacted*, That a majority of trustees may from time to time, supply all vacancies arising from death, resignation or disability.

Powers of trustees.

4. *And be it further enacted*, That the said trustees, or a majority of them, may and shall enact all bye-laws and regulations, manage the property aforesaid, appoint teachers or other persons necessary for the conducting of the business of the institution, erect necessary buildings, and do all other matters and things which to them shall seem best for the promotion of its success, and towards the effectual security and improvement of the property aforesaid. The said trustees, or a majority of them, shall have power to take and receive subscriptions to the use and for the benefit of the said academy, and in case any person shall fail to comply with his or her subscription, to enforce the payment thereof by warrant before a magistrate, where the sum subscribed shall not exceed ten dollars, and where it shall exceed that sum, by motion to the court of the county where the delinquent subscriber resides, ten days previous notice being given.

CHAP. 60.—An ACT for remitting a sum of money to the estate of William Allen, deceased.

(Passed January 11, 1802.)

Preamble.

1. Whereas it has been represented to the present general assembly that William Allen the younger, late sheriff of Warwick county, who became bound for the collection of the tax due from the said county for the year one thousand seven hundred and ninety-nine, died in the course of the year one thousand eight hundred, before he compleated the same, and that he having no deputy, and administration of his estate not having been granted before the year one thousand eight hundred and one, there was no person authorized to compleat such collection until the succeeding sheriff qualified in the said last mentioned year for that purpose, and accomplished the same; and that in consequence of such delay in the collection and payment of the said tax, the auditor of public accounts is not authorized by the existing law, to allow the amount of insolvencies and removals occurring in the said tax, which have been allowed by the said county court: for remedy whereof, and the relief of the estate of the said William Allen in that respect:

Auditor to allow a discount for insolvencies, &c.

2. *Be it enacted by the general assembly*, That the auditor of public accounts shall be, and he is hereby authorized and required to allow, in the settlement of the account of the said William Allen for the collection of the said tax, due for the year one thousand seven hundred and ninety-nine, a discount for the amount of insolvencies and removals, which may be produced to him for that purpose, authenticated according to law, any law to the contrary notwithstanding.

Commencing clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 61.—An ACT to establish an inspection of tobacco on the lands of Allen Barnard in the county of Fluvanna.

(Passed January 12, 1802.)

1. *Be it enacted by the general assembly,* That an inspection of tobacco shall be, and the same is hereby established on the lands of Allen Barnard, adjoining the town of Barnardsburg in the county of Fluvanna, who shall build at his own expense, convenient houses of brick or stone, and covered with slate or tile, to be called and known by the name of Barnard's warehouse. Inspection established.

2. There shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of one hundred and twenty dollars for their salary. Salaries of inspectors.

3. The inspectors at the said warehouse, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation with a printed manifest expressing the owners' names, the name of the skipper of the batteau or canoe, with the marks, number and weight of the tobacco, and stamped with the warehouse name. Inspectors to deliver tobacco with a manifest.

4. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for, and paid in like manner, as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this act. Duties on tobacco inspected.

5. So soon as convenient houses shall be built as aforesaid, in the opinion of the court of the said county of Fluvanna, such court shall enter the same of record, and thereupon recommend fit persons to be commissioned inspectors thereof. Inspectors to be recommended.

6. *Provided always,* That if the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public. No part of warehouse charges to be paid by public.

7. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 62.—An ACT to empower the trustees of Washington Henry academy to raise a sum of money by lottery.

(Passed January 13, 1802.)

1. Whereas by an act of assembly passed in the year one thousand seven hundred and eighty-six, the trustees of Washington Henry academy in the county of Hanover, were authorized to raise by way of lottery, the sum of three hundred pounds, for the purpose of repairing the buildings of the said academy; and it is represented to this present general assembly, that the said lottery was never carried into effect, by reason of one of the most valuable buildings belonging to the said academy having been consumed by fire; and the said trustees have petitioned that the said act may be so amended as to empower them to raise by lottery the sum of six hundred pounds, for the purpose of repairing the said buildings: Preamble.

2. *Be it therefore enacted,* That it shall and may be lawful for the said trustees to raise by lottery, the sum of six hundred pounds, to be applied towards repairing the buildings of the said academy. Lottery authorized.

3. So much of any act as comes within the meaning of this act is hereby repealed. Repealing clause.

4. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 63.—An ACT to amend an act concerning the town of Lexington in the county of Rockbridge.

(Passed January 13, 1802.)

Tithables in Lexington exempted from working on certain roads.

1. *Be it enacted by the general assembly,* That the male labouring tithables residing in the town of Lexington in the county of Rockbridge, shall not be compelled to work on the public roads without the limits of the said town, further than to the ford and ferry of the north fork of James river, and such other roads as are or may be established from the south east and south western parts of the said town, and extending half a mile without the limits of the same; and the trustees of the said town shall have the sole power to appoint one or more surveyors of the streets and alleys within the said town, and of the roads without as far as the ford and ferry, and for half a mile in the directions as aforesaid, and to allot and direct the number of male tithables to work thereon, for keeping the same in repair, or may contract with persons for keeping the same in good repair, and to levy money for that purpose; to make such bye-laws for the regulation of the same, and for the good government of the said town, as to them shall seem best, so as such laws be not contrary to the laws and constitution of this commonwealth; any law to the contrary notwithstanding.

Additional powers to the trustees of the town.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 64.—An ACT authorizing the Potowmac company to open the Shenandoah river.

(Passed January 13, 1802.)

Preamble.

1. Whereas the extension of the navigation of the river Shenandoah will be of public utility, for which purpose it may be necessary to cut lands and erect locks and other works on both sides of the river, and the legislature of Virginia being impressed with the importance of the object, and desirous of encouraging so useful an undertaking; and whereas it is in proof before the legislature, that the endeavours to form a company for that purpose, under the act of the legislature, passed January the twenty-third, one thousand seven hundred and ninety-eight, have been ineffectual, and the Potowmac company having by their board of directors, communicated to the present legislature their willingness to undertake that important work:

Profits from opening Shenandoah river vested in Potowmac company.

2. *Be it therefore enacted by the general assembly,* That for and in consideration of the expenses the said company will be at, not only in cutting the said canals, erecting locks and other works, for opening the different falls of the said river, and the north and south branches thereof, to wit: The north branch up to the mouth of Smith's creek in the county of Shenandoah, and the south branch, to a place called Carthrae's in the county of Rockingham, where the said south branch forks, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair, the said canals and works with all their profits, shall be and the same are hereby vested in the stockholders of the Potowmac company, their heirs and assigns forever, as tenants in common, in proportion to the shares held by them respectively, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition or assessment whatsoever; and the said president and directors shall be entitled to demand and receive at such place

Tolls.

or places on the said river, as they shall think proper, the same tolls which were allowed the Shenandoah company under the act of the general assembly, passed the twenty-third day of January, one thousand seven hundred and ninety-eight, entitled, "*An act for opening and extending the navigation of the Shenandoah river,*" but which tolls shall be subject to a reasonable deduction by the legislature, after the end of seven years from the completion of the said navigation, and they shall demand the said tolls immediately after they have rendered the mouth of the said river Shenandoah navigable, which tolls may be discharged in dollars and cents and other coin made current by law.

3. And in case of refusal or neglect to pay the tolls at the time of offering to pass through the place aforesaid, and previous to raft or vessel passing through the same, the collectors of the said tolls may lawfully refuse passage to such raft or vessel, and if any vessel or raft of timber shall pass without paying the said tolls, then the said collectors may seize such vessel or raft of timber wherever found, and sell the same at auction for ready money, which, so far as is necessary, shall be applied towards paying the said tolls, and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner: *Provided always*, That any person having the direction of such vessel or raft of timber, shall be liable for such toll, if the same is not paid by the sale of such timber or vessel as aforesaid, and that the said company, or a majority thereof, holding at least four hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls or any of them, or to determine that any vessel may pass free of toll.

Regulation where payment of tolls is refused.

Tolls may be lessened by the company.

4. And be it further enacted, That the said river and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities or produce whatsoever, on payment of the tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said river, and the works thereon erected, shall at any time hereafter, be imposed by the general assembly of Virginia.

The river when opened to be free for passage of any article on payment of tolls.

5. And whereas it is necessary for making the said canals, locks and other works, that a provision should be made for condemning a quantity of land for the purpose: *Be it enacted*, That it shall and may be lawful for the president and directors, or a majority of them, to agree with the owners of any land, through which a canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the state, on application to any two justices of the county, in which such land shall lie, the said justices shall issue their warrant under their hands, to the sheriff of their county, to summon a jury of twenty-four freeholders of his county not related to the parties, nor in any manner interested, to meet on the land to be valued, on a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen, that he will faithfully, justly and impartially value the land (not exceeding in any case the width of one hundred and forty feet) and all damages the owner thereof shall sustain, by cutting the canal through such

Lands necessary for making canals, &c. how to be condemned.

land, according to the best of his skill and judgment, and that in such valuation he will not spare any person, through fear or affection, nor any person grieve through malice, hatred or ill will, and the inquisition thereupon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded, and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the president and directors to the owner of the land, or his legal representative, and on payment thereof, the said company shall be seized in fee of such land, as if conveyed to them and their successors by legal conveyance: *Provided nevertheless*, That if any further damages shall arise to any proprietor of lands in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage shall happen, by application to, and a warrant from any two justices of the county where the lands lie, to have such further damage valued by a jury in like manner, and to receive and recover the same of the said president and directors; but nothing herein shall be taken or construed, to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges or other water works or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the said damage is wilfully or maliciously done by the said president or directors, or some person by their authority.

Lands for buildings, how to be condemned.

6. *And be it further enacted*, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors for the purchasing of a quantity of land, not exceeding one acre, at or near the place where any lock or set of locks connected with each other, must be constructed for the purpose of erecting the necessary buildings, and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned and paid for as aforesaid, for the purpose aforesaid, and the said company shall, upon payment of the valuation of the said land, be seized thereof in fee simple as aforesaid.

President and directors empowered to enter into agreements with proprietors of certain situations.

7. And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting forges, mills, and other water works, and the persons possessors of such situation, may design to improve the same, and it is the intention of this act not to interfere with private property, but for the purpose of perfecting and improving the said navigation: *Be it enacted*, That the water or any part thereof, conveyed through any canal or cut made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had, and the said president and directors, or a majority of them, are hereby empowered and directed if it can conveniently be done, to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation, concerning the just proportion of the expenses of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid.

8. *And be it hereby declared and enacted,* That the tolls herein before allowed, to be demanded and received at the place to be fixed as aforesaid, are granted and shall be paid on condition only, that the said Potowmac company shall make the river Shenandoah well capable of being navigated in the common dry seasons of the year, by vessels drawing one foot water on the highest navigable places in the North and South branches of the said river, to the junction thereof with the river Potowmac.

Tolls to be paid on certain conditions.

9. *Be it further enacted,* That if the navigation of the said river shall not be made and improved in the manner herein before mentioned, within five years from the passing of this act, that then the said company shall not be entitled to any benefit, privilege or advantage under this act.

Five years allowed for carrying this act into effect.

10. *Be it further enacted,* That the president and directors of the said company may, during the time they shall be engaged in rendering the said river navigable, in the manner hereby directed, employ slaves for that purpose, from the state of Maryland, or any other state in the Union, and that the slaves so employed shall not be entitled to freedom or any other advantages which they might derive from or under any of the acts of the legislature of Virginia for preventing the importation of slaves into the state.

Slaves from any state may be employed in opening said river.

11. *And be it further enacted,* That if the said president and directors shall deem it necessary to increase the capital of the said company, for the purpose of completing and carrying on the said works, it shall and may be lawful for them to open books, and receive subscriptions therein of one hundred shares in addition to the shares now held by the present Potowmac company, and such subscribers on paying the sum of one hundred and forty-five pounds sterling each, to the said president and directors, or their treasurer, in such proportions and times, as they the said president and directors shall appoint, shall thenceforth be deemed and considered as members of the said company, and be entitled to receive their full dividends and proportions of the tolls herein mentioned.

Capital of the company, how to be increased.

12. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 65.—An ACT for establishing several towns.

(Passed January 14, 1802.)

1. *Be it enacted by the general assembly,* That twenty acres of land, the property of John Carthrey, junior, lying between the north and south branches of the south fork of Shenandoah river in the county of Rockingham, shall be, and they are hereby vested in George Gilmer, Benjamin Lewis, Matthias Aman, John Givens, and Henry Perkey, gentlemen trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Port Republic.

Town established on Carthrey's land in Rockingham.

2. That twenty-five acres of land, the property of John Brooke, near the warehouses of the said John Brooke, in the county of Campbell, shall be, and they are hereby vested in Philip Payne, John Marshall, senior, Charles Slaughter, John Black, John Reid, Achilles Moorman, senior, Samuel Pannill and Robin Cobb, gentlemen trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Brooke Neal.

On Brooke's land in Campbell.

On Neely's land
in Washington.

3. That twenty acres of land, the property of Hugh Neely, lying at the junction of the middle and south forks of Holstein river, in the county of Washington, shall be, and they are hereby vested in Samuel Meek, John Fulkerson, Benjamin Speaker, Hugh Neely, Robert Edmisdon, James Keys and Hugh Mahaffy, gentlemen trustees, to be by them, or a majority of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Carricfergus.

How lots to be
sold and built
upon.

4. So soon as the said lands shall be so laid off, the trustees of the said towns respectively, or a majority of them, shall proceed to sell the lots at public auction, for the best price that can be had, the time and place of such sales being previously advertised at the court-houses of the said counties respectively, on three successive court days, and convey the said lots to the purchasers in fee; subject to the condition of building on each, a dwelling house sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within ten years from the day of sale: And to pay the money arising from the sale of the said lots, to the said John Carthrey, junior, John Brooke and Hugh Neely, or their legal representatives.

Powers of trustees.

5. The said trustees of the said towns respectively, or a majority of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to establish such rules, for the regular building of houses thereon, as to them shall seem best.

Privileges to purchasers building
on lots.

6. The purchasers of lots in the said towns respectively, so soon as they shall have built upon and saved the same according to the conditions of their respective deeds of conveyance, shall be entitled to, and have and enjoy all the rights, privileges and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy.

Forfeiture for not
building thereon.

7. If the purchaser of any lot shall fail to build thereon within the time limited in his deed of conveyance, the said trustees of the said towns respectively, or a majority of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said towns respectively.

Vacancies in trustees, how to be
supplied.

8. In case of the death, removal out of the county, or other legal disability, of any one or more of the trustees of the towns respectively, it shall be lawful for the remaining trustees to elect others in their room, and the persons so chosen, shall have the same power and authority, as any other in this act particularly named.

Commencing
clause.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. 66.—An ACT concerning the town of Lewisburg, in the county of Greenbrier.

(Passed January 14, 1802.)

How trustees to
be elected.

1. *Be it enacted by the general assembly*, That the freeholders, housekeepers and other free male inhabitants of the town of Lewisburg and county of Greenbrier, shall on the second Monday in April next, and on the same day in every year thereafter, assemble at the courthouse of the said county in the town aforesaid, and then and there elect seven persons being freeholders and inhabitants of the said town, to act as trustees of the said town, for one year and until the next election. The sheriff of the said county shall attend

and take the poll at such elections, entering the names of the persons voted for, in a distinct column, and the name of every person giving his vote, under the names of the persons he votes for, and shall return such poll to the next court to be held for his county, upon oath, certifying the names of the persons elected, to be by the clerk recorded.

2. The said trustees and their successors, or a majority of them, Their powers. being present, are hereby authorized and empowered to determine all disputes concerning the bounds of the said lots, which shall be final unless controverted at law, within five years after such determination; saving the rights of infants, *femes covert*, persons *non compos mentis*, imprisoned or beyond sea, until five years elapse after their several disabilities are removed; to keep the streets and alleys in repair; to remove nuisances and obstructions in the said streets and alleys at the expense of those who occasioned them; to keep the public springs or other sources of water in good order, and to appoint a clerk, who shall enter their proceedings on record, and be allowed such salary as the said trustees shall think reasonable; to levy a tax annually, not exceeding sixty dollars, on the tithables and property real and personal within the said town, for carrying into effect all or any of the powers hereby given them, and to make provision for the regular collecting and accounting for the taxes so imposed, by appointing a collector and directing distress to be made for delinquencies. The said trustees, or a majority of them, shall assemble at some convenient place within the said town, and when assembled, shall have power to make such bye-laws, rules and regulations, not contrary to the laws and constitution of this state, as they shall think proper for carrying the powers vested in them by this act, into full effect, such bye-laws, rules and regulations, as well as other proceedings, with a fair statement of their receipts and disbursements shall be entered in a book or books to be provided, and kept for that purpose, to which the said trustees shall affix their names; and such books shall be open at all times for the inspection of any person.

3. Vacancies within the year, by the death, removal out of town, or refusal to act, of any of the said trustees, shall be supplied by the remaining trustees, and every person so elected, shall be a trustee of the said town to all intents and purposes until the next election. Vacancies in trustees, how to be supplied.

4. It shall not be lawful for any person residing in the said town, and owner of any swine, to suffer the same to run at large within the limits thereof; and if any such swine shall be found running at large within the limits of the said town, it shall be lawful for any person to kill and destroy the same, without being liable to any damage for so doing. Swine not to run at large in said town.

5. So much of any act or acts as comes within the meaning of this act is hereby repealed. Repealing clause.

6. This act shall commence and be in force from and after the passing thereof. Commencing clause.

CHAP. 67.—An ACT to amend the act, entitled, "An act for altering the place for holding courts in the county of Norfolk, and also to authorize the court of said county to appropriate out of any money in their hands, a sum not exceeding three thousand dollars, towards the completion of the courthouse and jail in the town of Portsmouth and county aforesaid."

[Passed January 14, 1802.]

Money to be appropriated for finishing courthouse in Portsmouth.

1. *Be it enacted by the general assembly*, That the court of the county of Norfolk be authorized to appropriate out of any money they may have in their hands, belonging to the county, a sum not exceeding three thousand dollars, to be applied towards finishing the courthouse and prison of the county of Norfolk, in the town of Portsmouth.

Money arising from sale of old courthouse, how to be appropriated.

2. *And be it further enacted*, That the commissioners who were appointed to sell the old courthouse, jail and land, shall repay the aforesaid sum, or any part thereof, which may be advanced by the said court of Norfolk county, and the residue of the money arising from the sale of the said old courthouse, jail and lot, if any, to those who subscribed for the purpose of building the said courthouse and jail in the town of Portsmouth.

CHAP. 68.—An ACT to amend the act incorporating the town of Petersburg.

(Passed January 14, 1802.)

Time of annual elections of common hall altered.

1. *Be it enacted by the general assembly*, That the annual elections of members of the common hall of the town of Petersburg, directed by law to be holden on the first Monday in September, shall hereafter be held on the first Monday in June in every year.

Regulation in case there be no meeting at the time first appointed, after such elections.

2. If from any cause a majority of the persons chosen at any such elections as members of the common hall, should not attend at the time appointed by law for choosing a mayor, recorder and aldermen, there shall be no dissolution of the corporation of the said town in consequence thereof, but the mayor, recorder, aldermen and common council thereof, who were in office at the time of the last election, shall remain in office, and continue to exercise the duties of their offices respectively, until a majority of the persons elected for the ensuing year shall convene and choose from among themselves, a mayor, recorder and aldermen, and a majority of them, and also a majority of the common councilmen, shall be regularly qualified to their respective offices.

By whom annual elections to be superintended.

3. At every annual election of members of the common hall, it shall be the duty of the mayor, or in case of his absence, the next presiding magistrate, to superintend, judge and decide at such elections, in the same manner as sheriffs are authorized to superintend, judge and decide at elections of members of the general assembly.

Commencing clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 69.—An ACT appointing other trustees of the town of Point Pleasant, in the room of those formerly appointed.

(Passed January 14, 1802.)

Trustees.

1. *Be it enacted by the general assembly*, That William Lewis, William Owen, William Sterrett, John Rausch, Allyn Prior, Charles Lewis, Charles Lewis, jun., and Charles Donnally, gentlemen, be, and they are hereby appointed trustees of the town of Point Pleasant in the county of Kenawha, in the room of those formerly appointed.

2. *And be it further enacted*, That the trustees above named, or Their powers.
a majority of them, shall have the same power and authority in
every respect, as was granted to the former trustees of the said town.

3. This act shall be in force from the passing thereof.

Commencing
clause.

CHAP. 70.—An ACT authorizing Joseph Tomlinson to collect the balance of
the taxes due in the county of Ohio, for the year 1797.

[Passed January 15, 1802.]

1. Whereas it is represented that the act laying taxes for the year Preamble.
1797, did not reach the county of Ohio till late in the year 1798,
in consequence of which Joseph Tomlinson, who was sheriff of the
said county for the year 1797, collected the taxes due for that year
agreeably to the act imposing taxes for the year 1796, but never-
theless was compelled to pay into the treasury the full amount of
the taxes due in the said county for the year 1797; and it is just
that he should be empowered to collect, on his own account, such
part of the taxes of that year as are still due.

2. *Be it therefore enacted by the general assembly*, That the said Certain taxes due
in Ohio, how to be
collected.
of in the roll.
Joseph Tomlinson, in cases in which his receipt for* the taxes afore-
said contains the sum paid, and the said sum shall be less than the
tax actually due, shall be, and he is hereby authorized and empow-
ered, to distrain for and collect the balance of the taxes due in the
said county of Ohio for the year 1797, and apply the same when
collected to his own use and benefit.

3. This act shall be in force from the passing thereof.

Commencing
clause.

CHAP. 71.—An ACT to increase the rates of ferriage at certain places.

(Passed January 16, 1802.)

1. *Be it enacted by the general assembly*, That instead of the Rates of ferriage
increased at cer-
tain places.
rates heretofore allowed by law at the ferries hereafter mentioned,
the rates of ferriage shall be as followeth, that is to say: From the
land of Moore Fauntleroy, deceased, in the county of Richmond,
across Rappahannock river to the town of Tappahannock, the price
for a man twenty-five cents, and for an horse the same; from the
said town of Tappahannock across the said river, to the opposite
shore in the said county of Richmond, being the ferry now kept by
Laurence Muse, the price for a man twenty-five cents, and for an
horse the same; from the town of Port Royal in the county of Ca-
roline, across Rappahannock river, to the town of Port Conway in
the county of King George, being the ferry now kept by Sarah
Bowie, the price for a man six and a quarter cents, and for an horse
the same; and from the land of John Anderson in the county of
Greenbrier, across Greenbrier river, the price for a man twelve and
a half cents, and for an horse the same. The transportation of the
following things shall be at the rates hereafter mentioned, that is to
say: For every coach, chariot, and waggon, and the driver thereof,
the same as for six horses; for every four wheeled chaise, phaeton
and driver, the same as for four horses; for every two wheel riding
carriage, or cart, the same as for two horses; for every hogshead of
tobacco as for one horse; for every head of nett cattle as for one
horse; for every sheep, goat, lamb or hog, one fifth part of the fer-
riage for one horse.

2. If the ferry keeper at any of the places shall demand and re- Penalty for de-
manding greater
rates.
ceive from any person greater rates than are hereby allowed, such

ferry keeper shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars, recoverable by warrant.

Commencing
clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 72.—An ACT for opening and extending certain streets in the town of Petersburg.

(Passed January 18, 1802.)

Preamble.

1. Whereas it hath been represented that the opening and extending a street or streets from Old street to High street, and from High street to Washington street, in the town of Petersburg, will be of public utility :

How certain
streets in Peters-
burg to be opened.

2. *Be it therefore enacted by the general assembly*, That Joseph Jones, William Cole, James Campbell, Wood Tucker and William Wills, gentlemen, shall be, and they are hereby appointed commissioners, who, or a majority of them, are empowered and required, on or before the first day of May next, to ascertain and mark out the most direct and convenient way for opening and extending a street or streets, not exceeding sixty, nor under forty-five feet in width, from Old street to High street, and from High street to Washington street, in the said town of Petersburg, and make report thereof to the court of the county of Dinwiddie, who thereupon shall order a writ, in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of the said county, commanding him to summon and impanel twelve able and discreet freeholders and inhabitants of the said county, without the limits of the said town, no ways related to the parties through whose lands the said streets will pass, to meet at some certain place on the said ground, and on a certain day to be named by the said court, and inserted in the said writ, of which notice shall be given by the sheriff to the proprietors and tenants, which freeholders taking nothing either of meat or drink, from any person whatsoever, from the time they shall come to the said place until their inquest be sealed, shall be charged by the sheriff impartially, faithfully and justly, and to the best of their skill and judgment, to view the said lands through which the said streets are to be opened and conducted, and say to what damage it will be to the several and respective proprietors and tenants, taking into estimation as well the use and value of the land to be laid open for such streets, or other incidental injuries to be sustained thereby, and if the said inquest cannot be completed in one day, the sheriff may adjourn the said jurors from day to day until the same be completed, which inquest sealed by the said jurors, together with the writ, shall be returned to the said court and entered of record.

Damages occa-
sioned thereby,
how to be paid.

3. *And be it further enacted*, That the common council of the said town of Petersburg, shall within three months after the return of the said inquest, levy on the taxable property within the said town, the damages so found, and the costs of the inquest, and direct them to be paid to those respectively entitled thereto.

Commencing
clause.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 73.—An ACT for cutting a navigable canal from Nansemond river to Somerton creek.

[Passed January 13, 1802.]

1. Whereas the cutting of a navigable canal from the waters of Nansemond river, to the waters of Somerton creek, will be of great public utility, and many persons are willing to subscribe large sums of money to effect so beneficial a work, and it is just and proper that they, their heirs and assigns should be empowered to receive reasonable tolls forever, in satisfaction for the money advanced by them, in carrying the work into execution, and the risk they run:

2. *Be it therefore enacted by the general assembly*, That it shall and may be lawful to open books in the towns of Portsmouth, Suffolk, Smithfield, Jerusalem, Petersburg, Belfield and at the Cross Keys in the county of Southampton, under the management of Richard Blow in Portsmouth; of Thomas Swepson in Suffolk; of John Eason in Smithfield; of Samuel Colvert in Jerusalem; of James Campbell in Petersburg; of Belfield Stark in Belfield; and of Benjamin W. Johnston at Cross Keys, for receiving and entering subscriptions to the amount of fifty thousand dollars for the said undertaking, which subscriptions shall be made personally or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver, or in gold coin of the same value. That the said books shall be opened for receiving subscriptions on the first Monday in May next, and continue open until the first Monday in September next inclusive; and on the third Monday in October following, there shall be a general meeting of the subscribers at Suffolk, of which meeting, notice shall be given by the said managers, or any three of them, in the Norfolk and Petersburg Gazettes, at least one month next before the said meeting, and such meeting shall and may be continued from day to day, until the business is finished. And the acting managers shall, at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing a state of the said subscriptions, and if one half of the capital sum aforesaid, shall, on examination, appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency, and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any four or more of them, under their hands into the general court, there to be recorded. And in case more than fifty thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest and above one share, until the same is reduced to the capital aforesaid of fifty thousand dollars, or until a share is taken from all subscriptions above one share, and lots shall be drawn between subscribers of equal sums, to determine the number in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then the lots shall be drawn to determine the subscribers who are to be excluded

Preamble.

Books to be opened for receiving subscriptions.

Meeting of subscribers.

Books to be laid before them.

Regulation where the capital is exceeded by subscriptions.

Subscriptions void unless they amount to half of the capital.

to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid, and the said capital sum shall be reckoned and divided into five hundred shares of one hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise: *Provided*, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed, to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the president and directors, or a majority of them, for the time being, and returned to and recorded in the court aforesaid.

When company to be incorporated.

3. *And be it enacted*, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of the said first meeting, shall be and are hereby declared to be incorporated into a company by the name of the Nansemond Canal Company, and may sue and be sued as such, and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten by him or her held at the time in the said company; and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act for him or her at any general meeting.

President and directors to be chosen.

Their powers.

4. The said president and directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons, on behalf of the said company, to cut the said canal and to erect such locks, and perform such other works as they shall judge best for the navigation of the said canal, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner as they shall think fit, and out of the money arising from the subscriptions and tolls and other aids hereafter in this act given, to pay for the same and to repair and keep in order the said canal, locks and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk and such other officers, toll-gatherers managers and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding, and transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same; and they shall be allowed a satisfaction for their trouble therein, such sums of money as shall by a general meeting of the subscribers be determined: *Provided always*, That the treasurer shall give bond in such penalty and in such security, as the said president and directors, or a majority of

them, shall direct, for the true and faithful discharge of the trust reposed in him; and that the allowance to be made to him for his services, shall not exceed three pounds in the hundred for the disbursements by him made, and that no officer in the said company shall have a vote in the settlement or passing of his own account.

5. *And be it further enacted*, That the said president and directors and their successors, or a majority of them, shall have power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Norfolk and Petersburg Gazettes; and they are hereby authorized and empowered to demand and receive of the several proprietors from time to time, the sums of money so ordered to be advanced, for carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and laid out, as the president and directors, or a majority of them, shall order and direct, and if any of the said proprietors shall refuse or neglect to pay their said proportions, within one month after the same shall be ordered and advertised as aforesaid, the said president and directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale, in the said Gazettes, and after retaining the sum due, and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner, and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said president and directors, or a majority of them, may in the name of the company, sue for and recover the balance by motion, in any court of record in this commonwealth, on ten days previous notice; and the said purchaser or purchasers shall be subject to the same rules and regulations as if the said sale and conveyance had been made by the original proprietor.

How funds to be raised for carrying on the works.

6. And to continue the succession of the said president and directors, and to keep up the same number, *Be it enacted*, That from time to time on the expiration of the term for which the said president and directors were appointed, the proprietors of the said company at the next general meeting, shall either continue the said president and directors, or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the president or any of the directors, may and shall in manner aforesaid, elect any other person or persons to be president and directors in the room of him or them so dying, moving, resigning or becoming incapable of acting, and may at any of their general meetings, remove the president or any of the directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted. Every president and director before he acts as such, shall take an oath or affirmation, for the due execution of his office, before some one justice of the peace within this commonwealth, a certificate of which shall be filed among the records of the said company.

How succession of president and directors to be continued.

7. *And be it enacted*, That the presence of proprietors having two hundred shares at least, shall be necessary to constitute a gene-

General meetings.

President and directors to make report thereto.

How dividends to be made.

Works vested in the proprietors.

ral meeting, and that there be a general meeting of proprietors on the first Monday in October in every year, at such convenient town as shall from time to time be appointed by the said general meeting; but if a sufficient number shall not attend on that day, the proprietors who do attend, may adjourn such meeting from day to day till a general meeting of proprietors shall be had, which may be continued from day to day until the business of the said company is finished, to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer such sum as the proprietors, or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said company in proportion to their several shares; and on any emergency in the interval between the said yearly meetings, the president, or a majority of the directors, may appoint a general meeting of the proprietors of the company, at any convenient town, giving at least one month's previous notice in the said Gazettes, which meeting may be adjourned and continued as aforesaid.

8. *And be it further enacted*, That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canal, erecting locks, making causeways, and performing other works necessary for the said navigation, but in maintaining and keeping the same in repair, the said canal, locks, causeways and other works, with all their profits, shall be and the same are hereby vested in the said proprietors, their heirs and assigns forever, as tenants in common in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from the payment of any tax, imposition or assessment whatsoever; and it shall and may be lawful for the said president and directors, at all times forever hereafter, to demand and receive at some convenient place near one of the extremities of the canal, for all commodities transported through it, or over the causeways, tolls according to the following table and rates, to wit:

Cents. Mills.

Tolls.

Every pipe or hogshead of wine containing more than sixty-five gallons,	-	-	41	5
Every hogshead of rum or other spirits,	-	-	33	5
Every hogshead of tobacco,	-	-	33	5
Every hogshead of molasses,	-	-	25	0
Every hogshead or butt of malt liquor,	-	-	25	0
Every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead; every barrel one fourth part; and every smaller cask or keg, in proportion according to the quantity and quality of their contents.	-	-	-	-
Every dozen of bottled wine,	-	-	1	5
Every dozen of bottled malt liquor,	-	-	1	5
Every bushel of wheat, pease, beans, rice or flax seed,	-	-	1	0
Every bushel of Indian corn, or other grain or salt,	-	-	1	0
Every barrel of pork,	-	-	8	5

	Cents. Mills.	
Every barrel of beef, - - -	5	5
Every barrel of fish or flour, - - -	4	0
Every barrel of tar, pitch, turpentine or rosin, - - -	2	5
Every barrel of linseed oil or spirits of turpentine, the same as molasses.		
Every ton of hemp, flax, pot ash or bar iron, - - -	50	0
Every ton of pig iron or castings, - - -	16	5
Every ton of copper, lead, or other ore, other than iron ore, - - -	41	5
Every ton of stone or iron ore, other than the ballast of the vessel, - - -	8	5
Every chaldron of coals, - - -	11	0
Every hundred bushels of lime or of shells, - - -	27	5
Every thousand of bricks or tiles, - - -	41	5
Every hundred of pipe staves, - - -	8	5
Every hundred of hogshead staves, or pipe or hogshead heading, - - -	5	5
Every hundred of barrel staves or barrel heading, - - -	4	0
Every thousand shingles from eighteen to twenty-four inches, - - -	4	0
Every thousand of three feet shingles, - - -	8	5
Every thousand clapboards or pails, - - -	12	5
Every cord of fire wood, - - -	16	5
Every hundred cubic feet of plank or scantling, - - -	55	5
Every hundred cubic feet of all other timber, - - -	41	5
Every hundred pounds of brown or clayed sugar, - - -	4	0
All other produce, goods, wares or merchandize, one fourth per centum.		
Every boat or vessel exceeding one ton burthen, which has not commodities on board to yield so much, (except an empty boat or vessel returning, whose load has already paid the toll, in which case she is to re-pass free of tolls,) - - -	55	5
Every canoe, boat or vessel, under one ton burthen, which has not commodities on board to yield so much, except as in the preceding article excepted, - - -	25	0
Every man, (except foot travellers, who shall pass toll free,) horse, ox in draft and wheel passing the causeways, (except the loads they carry yield so much,) or empty waggons or carts returning, whose loads have paid the toll, - - -	8	5
Every head of black cattle, - - -	4	0
Every hog, - - -	1	5
Every sheep, - - -	1	0
Every hundred weight of indigo, - - -	16	5

All produce, goods, wares or merchandize, passing the causeways, shall be subject to the same toll as goods passing through the canal; and in case of refusal to pay the tolls at the time of offering to pass the place aforesaid, and previous to passing the same, the collector of the said tolls may lawfully refuse passage to whatever refuses payment; and if any vessel, waggon or cart, shall pass without paying the toll, then the said collector may seize such vessel, waggon or cart, wherever found, and sell the same at auction for ready money, which, so far as necessary, shall be applied towards

Regulation where payment is refused.

Tolls may be lessened at general meetings.

Canals, &c. free for passage of any article on payment of tolls.

How lands may be taken for canals, &c.

paying the said toll and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having direction of such vessel, waggon or cart, shall be liable for such toll if the same is not paid by the sale as aforesaid: *Provided*, That the said proprietors, or a majority of them, holding at least two hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

9. *And be it enacted*, That the said canal and works to be erected thereon in virtue of this act, and the causeways when compleated, shall forever thereafter be deemed and taken as public highways, free for the transportation of all goods, wares and merchandizes, or produce whatsoever, and for travelling, on payment of the tolls imposed by this act, and no other toll or tax whatever, for the use of the water of the said canal, and the works thereon erected, or the causeways, shall at any time hereafter be imposed.

10. And whereas it is necessary for the making of the said canal, locks, causeways and other works, that a provision should be made for condemning a quantity of land for that purpose: *Be it enacted*, That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the state, on application to any two justices of the said county of Nansemond, the said justices shall issue their warrant under their hands, to the sheriff of their county, to summon a jury of eighteen inhabitants of his county, being freeholders, not related to the parties, nor in any manner interested, to meet on the land to be valued, on a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter, and the sheriff on receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every juryman that shall appear, that he will fairly, justly and impartially value the land, not exceeding the width of three hundred feet, and all damages the owner thereof shall sustain, by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person through favour or affection, nor any person grieve through malice, hatred or ill will, and the inquisition thereon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county to be by him recorded; and on every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the president and directors to the owner of the land, or his or her legal representatives, and on payment thereof, the said company shall be seized in fee of such land as if conveyed by the owner to them and their successors by legal conveyance: *Provided nevertheless*, That if any further damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor as often as any such new damage shall happen, by application to, and a warrant from any two justices of the county where the lands lie,

to have such further damage valued by a jury in like manner, and to receive and to recover the same of the said president and directors; but nothing herein contained shall be taken or construed to entitle the proprietor of any such land, to recover compensation for any damages which may happen to any mills or other works, or improvements which shall be begun or erected by such proprietor after such first valuation, unless the said damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

11. *And be it enacted*, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietor or proprietors for the purchase of a quantity of land, not exceeding one acre, at or near the place of the receipt of tolls aforesaid, for the purpose of erecting necessary buildings, and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned and paid for as aforesaid, and the said company shall on payment of the valuation of the said land, be seized thereof in fee simple as aforesaid. For buildings.

12. And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water works, and the persons possessing such situations may design to improve the same, and it is not the intention of this act to interfere with private property, but for the purpose of improving and perfecting the said navigation: *Be it enacted*, That the water or any part thereof conveyed through the said canals, shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid, in which case the said president and directors, or a majority of them, are hereby empowered and directed to enter into reasonable agreements with the proprietors of such situations, concerning the just proportion of the expenses of making the canals capable of carrying such quantities of water, as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid. President and directors may enter into agreements respecting situations for water works.

13. And whereas the said canals may be of great utility, in affording the means of draining the sunken lands through which they pass: *Be it enacted*, That it shall and may be lawful for the proprietors of the said adjacent sunken lands to open cross ditches into the said canals: *Provided*, That these cross ditches shall not be within less than one mile of one another on the same side of the canals, and be covered where they pass through the causeways, with good bridges of the breadth of the causeways, at the expense of the persons cutting them, and also to be so constructed that the water may be entirely prevented passing through them into the canals at any time when this shall be necessary, and the works occasioned by these cross ditches, except the bridges, shall be kept in repair at the expense of their proprietors. Owners of sunken lands may open ditches into the canals upon certain conditions.

14. *Be it enacted*, That it shall and may be lawful for every of the said proprietors, to transfer his share or shares by deed executed by himself or attorney, before two witnesses, and registered after proof of the execution thereof in the said company's books, and not otherwise except by devise, a copy of the will containing which property, authenticated by the clerk of the court where it may be recorded, shall also be exhibited to the president and directors, and How shares may be transferred.

registered in the company's books before the devisee or devisees shall be entitled to draw any part of the profits from the said toll: *Provided*, That no transfer whatsoever shall be made, except for one or more whole share or shares and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit or in the name of another, whereby the said president and directors, or proprietors of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust, but that every such person appearing as aforesaid to be a proprietor, shall as to the others of the said company be to every intent taken absolutely as such, but between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Subscriptions may be taken on condition that the works are completed.

15. And whereas sundry persons may be willing and desirous on account of the public advantage, and also the improvement their estates may receive thereby, to promote and contribute towards so useful an undertaking, and to subscribe sums of money to be paid on condition the said works are completed and carried into execution, but do not care to run any risk or desire to have any property therein: *Be it therefore enacted*, That the president and directors shall be, and are hereby empowered to receive and take in subscriptions on the said conditions, and on the said works being completed and carried into execution, according to the true intent and meaning of this act, that it shall and may be lawful for the said president and directors, and a majority of them, in case of refusal or neglect of payment, in the name of the company as aforesaid, to sue for and recover of the said subscribers, their heirs, executors or administrators, the sums by them respectively,* by action of debt or on the case, in any court of record within this state.

*So the original.

How capital may be increased.

16. *And be it enacted*, That if the said capital and other aids granted by this act, shall prove insufficient, it shall and may be lawful for the said company from time to time, to increase the said capital by the addition of so many more whole shares as shall be judged necessary by the said proprietors, or a majority of them, holding at least two hundred shares, present at any general meeting of the said company, and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the said Gazettes, to open books at the before mentioned places for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being, shall, and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares, as any of them shall choose, and the said president and directors are hereby required to observe in all other respects the same rules therein, as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the courts as aforesaid, to be there recorded, and all proprietors of such additional sums shall, and are hereby declared to be from thenceforward incorporated into the said company.

Tolls allowed to be paid on certain conditions.

17. *And it is hereby enacted*, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only that the said Nansemond canal company shall make the

canal twenty-four feet wide and six feet deep below the surface of the earth, and capable of being navigated in dry seasons by vessels drawing three feet water, from Nansemond river to Somerton creek, with sufficient locks, each of sixty feet in length and twenty-four feet in breadth, and capable of conveying vessels drawing three feet water at the least, and that each of the causeways shall be twenty feet in breadth.

18. *And be it further enacted*, That in case the said company shall not begin the said work within one year after the said company shall be formed, or if the said company shall not complete the navigation and works as aforesaid, within ten years after the said company shall be formed, then all the interest of the said company, and all preference in their favour as to the navigation and tolls of the said canals and causeways shall be forfeited and cease.

19. This act shall commence and be in force from and after the passing thereof.

Time allowed for beginning and completing the works.

Commencing clause.

CHAP. 74.—An ACT concerning the town of Martinsburg in the county of Berkeley.

(Passed January 18, 1802.)

1. *Be it enacted by the general assembly*, That the trustees of the town of Martinsburg in the county of Berkeley, and their successors, or a majority of them, shall, and they are hereby authorized to establish and regulate an assize of bread in the said town, and to impose fines upon all persons, who shall violate any bye-law or regulation of the trustees of the said town, not exceeding ten dollars for every offence, which fines shall be recoverable before any justice of the peace in and for the said county, and applied by the said trustees to the benefit and improvement of the said town.

Powers of trustees.

2. This act shall be in force from the passing thereof.

Commencing clause.

CHAP. 75.—An ACT releasing to Scott Bredin the right of the commonwealth to a certain tract or tracts of land.

(Passed January 19, 1802.)

1. Whereas John Bredin of the county of Rockingham, died legally seized of two several tracts of land, lying and being in the county of Greenbrier, the first containing about five hundred, and the second about three hundred and twenty acres of land, and also of a house and lot in the town of Harrisonburg, in the county of Rockingham, and by his will devised the same to his father Thomas Bredin, then and still residing in the kingdom of Ireland, and which lands and lot the said Thomas Bredin hath since by deed conveyed to his son Scott Bredin, who resides in this country and is an alien :

Preamble.

2. *Be it therefore enacted by the general assembly*, That all the right, title, interest, claim and demand, which the commonwealth now hath, or may have, in the above mentioned two tracts of land, and the house and lot aforesaid, shall be and the same is hereby released unto the said Scott Bredin, to be held by him so far as the said commonwealth is concerned, in the same manner as if he was now a citizen thereof.

Commonwealth's right in certain lands released.

3. This act shall be in force from and after the passing thereof.

Commencing clause.

CHAP. 76.—An ACT to establish a turnpike between the town of Manchester and Falling creek on the Buckingham road.

(Passed January 20, 1802.)

Preamble.

1. Whereas the public road leading from the town of Manchester to Falling creek, is rendered impassable by reason of the great number of waggons which use the same; and the ordinary method of keeping it in repair, as by law established, is not only ineffectual, but extremely burthensome to those employed thereon, and application has been made to the present general assembly, to incorporate a company, and establish a turnpike with certain tolls for keeping the said road in good repair:

Books to be opened for receiving subscriptions.

2. *Be it therefore enacted*, That it shall and may be lawful to open books in the town of Manchester, under the management of Benjamin Hatcher, Henry L. Biscoe, Cornelius Buck, Henry Heath, Andrew Nicholson, William Robertson and John Cunliffe, for receiving and entering subscriptions, to the amount of forty thousand dollars for the said undertaking; which sum shall be divided into four hundred shares, of one hundred dollars each, and the subscriptions be made in person or by power of attorney, in Virginia currency. The subscription books shall remain open until the first day of May next, at which time there shall be a general meeting of the subscribers in the town of Manchester, of which meeting one month's notice shall be given in one of the newspapers printed in the city of Richmond, by the managers above named. If it shall appear at this meeting on examination of the books, that one half of the capital sum above mentioned shall have been subscribed, then the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and they are hereby declared incorporated into a company, by the name of the *Manchester Turnpike Company*, and may sue and be sued as such.

To remain open till general meeting of subscribers.

When subscribers to be incorporated.

Five directors to be chosen.

3. The subscribers, or a majority of them, who shall be present at this first meeting, shall elect five directors, who shall continue in office three years, but may at any general meeting of the subscribers, be wholly or in part removed, by vote of a majority of the members present. The directors thus chosen, shall have power to receive subscriptions for the residue of the shares, until the whole capital of forty thousand dollars shall be subscribed; to make contracts with any person or persons on behalf of the company, for clearing, opening and improving the road, and performing such other work respecting the same, as they shall adjudge necessary and proper, from the ferry landing in the town of Manchester, to Falling creek on the Buckingham road; to require from subscribers from time to time, such advance of money on their respective shares, as the wants of the company may demand, until the whole of their subscriptions shall be advanced; to call on any emergency a general meeting of the subscribers, giving one month's notice thereof in one of the newspapers printed in the city of Richmond; to appoint a treasurer, clerk and such other officers as may be necessary; to sign and settle all accounts, and to transact all the business of the company during the intervals between the general meetings of the same. If any subscriber shall fail to pay the sum required of him by the directors, or a majority of them, within one month after the same shall have been advertised, in one of the newspapers printed in the city of Richmond, it shall and may be lawful for the directors, or a majority of them, to sell at public

Their powers.

auction, and convey to the purchaser, the share or shares of such subscriber or subscribers so failing or refusing, giving one month's notice in one of the newspapers printed in the city of Richmond, and after retaining the sum due, and charges of the sale out of the money produced thereby, to pay the overplus, to the former owner; and if the said sale shall not produce the sum required to be advanced, with the incidental charges, then the directors may recover the balance of the original proprietor, by motion with ten days notice, before the court of that county of which he is an inhabitant; and any purchaser under a sale by the directors, shall be subject to the same rules and regulations as the original proprietor.

4. And whereas it may be necessary to straighten the road in some parts, and to purchase land adjoining the different toll-gates for the purpose of erecting necessary buildings; it shall and may be lawful for the directors, or a majority of them, to purchase land from the proprietors, for the purpose above mentioned, and to receive conveyances in fee simple to them and their successors, for the benefit of the company; and in case any proprietor shall refuse to dispose of land for the said purposes, the directors shall be entitled, on application to the county court of Chesterfield, to a writ of *ad quod damnum*, and on paying the value of the land and damages assessed by a jury, impanelled under the said writ, be seized in fee simple of the said land for the use of the said company; and for the purpose of making and keeping the said road in repair, the directors may cut and take from the lands of any person adjoining, such and so much timber, gravel, earth or stone, as may be necessary, the same being first viewed and valued by two honest housekeepers, appointed and sworn for that purpose by a justice of the peace: *Provided always*, That the directors shall not take any timber, stone or earth from any lot within the town of Manchester, without permission from the owner thereof.

How lands may be taken for buildings.

5. An annual meeting of the subscribers shall be held in the town of Manchester, on the first Monday in December, to constitute which, the presence of proprietors having one hundred shares shall be necessary, and if a sufficient number do not attend on that day, the proprietors who do attend, may adjourn from day to day until a general meeting shall be had. In counting all votes of the said company, each member shall be allowed one vote for each share, as far as ten shares, and one vote for every five shares above ten, by him held at the time in the said company. The directors shall render distinct accounts of their proceedings and disbursements of money, to the annual meeting of the subscribers, and may, by a majority of the members be continued in office, or displaced.

Annual meeting of subscribers.

Directors to render accounts to them.

6. So soon as the road shall be compleated from the ferry landing in the town of Manchester, to Falling creek, a majority of the subscribers after leaving in the hands of their treasurer a sufficient sum for keeping the said road in good repair, shall annually order the nett profits from the tolls herein granted, to be divided among the proprietors of the said company in proportion to their respective shares. In consideration of the expenses the proprietors will incur, in opening, improving and repairing the said road, the said road with all the tolls and profits, shall be and the same is hereby vested in the said proprietors, their heirs and assigns forever, as tenants in common, in proportion to their respective shares, and the

Tolls to be divided.

Road to be vested in proprietors.

Rates of tolls.

same shall be deemed real estate, and be forever exempt from the payment of any tax, imposition or assessment whatever; and that it shall and may be lawful for the directors at all times, and forever hereafter to establish two toll-gates, the one at the point of junction between the Falling creek church road and the Buckingham road; the other at the point of junction between the West-ham road, and the said Buckingham road, and to receive tolls at the said gates according to the following rates, to wit: On every loaded waggon and team twenty-five cents; on every cart or tumbril six cents per wheel; on all saddle horses and others not attached to carriages three cents per horse; on all riding carriages six cents per wheel; the whole of the above tolls shall be paid by articles entering the turnpike at Falling creek and river road; one half of the above tolls on articles entering the turnpike at the Falling creek church road, and one third of the above tolls on articles entering the turnpike at the Broad Rock road: *Provided always*, That return waggons or carts having five hundred weight or less, shall repass toll free, except coal waggons, which shall pay one half of the above tolls. Whensoever the said road shall be made one half the distance from the ferry landing in the town of Manchester to Falling creek, at least thirty feet wide, with a sufficient ditch on each side and well covered with gravel or stone, so as to render the passing of waggons thereon as convenient as possible without being paved, in the opinion of the county court of Chesterfield, and there entered of record, it shall and may be lawful for the said directors to receive one half of the tolls hereby allowed and granted, and that on completing the remainder, to be adjudged and entered of record as aforesaid, full tolls and rates shall be paid. In case of refusal or neglect to pay toll at the time of offering to pass, the collector may lawfully refuse a passage to any article subject to such toll; and if any article subject to the payment of toll as aforesaid, shall pass without paying the same, the collector may prosecute and pursue the remedy given by law to the owners of ferries, and to companies authorized by law to receive tolls.

Regulation where payment of toll is refused.

Tithables in Manchester to work on part of said road.

7. *And be it further enacted*, That the said directors shall have like power as surveyors of roads, to call out the male tithables resident in the town of Manchester, to work on so much of the said road as passes through the town: *Provided*, That such tithables shall not be subject to work more than four days in the year.

Time allowed for beginning and completing the work.

8. If the said company shall not begin the work within two years after the said company shall be formed, or shall not complete the same within seven years thereafter, in the manner herein before directed, then shall the interests of the said company in the road and tolls aforesaid be forfeited and cease.

Tolls subject to control of legislature.

9. That the tolls herein allowed shall be subject to the control of the legislature at the end of two years after the completion of the said road, or at any time thereafter: *Provided*, That they shall not be so reduced as to make them nett less than fifteen per centum per annum nett profit on the sum actually expended in completing the said road, to be calculated from the periods of contribution by the stockholders. And the directors are hereby required to report to the executive the amount of the capital expended in completing the said road, whenever the same shall be finished: *Provided also*, That nothing herein contained shall be construed to authorize the

Report to be made of capital expended.

Manchester turnpike company to carry their turnpike road out of the main street through the town of Manchester, or to turn the same from Mayo's bridge, or to demand toll from any carrier of the public mail.

Carriers of public mail not to pay toll.
Commencing clause.

10. This act shall commence and be in force from and after the passing thereof.

CHAP. 77.—An ACT concerning Ward's ferry in the county of Campbell.

(Passed January 21, 1802.)

1. *Be it enacted by the general assembly*, That instead of the rate allowed by law for the ferriage of a hogshhead of tobacco, from the land of John Ward in the county of Campbell, across Staunton river, there shall hereafter be allowed and paid, for every hogshhead of tobacco transported at the said ferry, twelve and a half cents, except when the same shall be transported with the team and driver, in which case the rate of ferriage on tobacco shall remain as now fixed by law; any law to the contrary thereof notwithstanding.

Ferriage of tobacco.

2. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 78.—An ACT to establish a turnpike on the road over the mountain at Swift run gap.

(Passed January 21, 1802.)

1. *Be it enacted by the general assembly*, That Charles Lewis, George Gilmer, Jacob Bare, John Snapp and Stephen Conrod, gentlemen, are appointed commissioners, who, or a majority of them, are hereby authorized and empowered to contract and agree with some person for clearing, repairing and improving the road from Adam Hansbarger's plantation in the county of Rockingham, over the Blue Ridge at Swift run gap, to Kiplinger's run at the foot of Powel's mountain in the county of Orange; and the contract so to be made shall be in writing, signed by the undertaker and commissioners, or a majority of them, and attested by two or more witnesses, and proved and recorded in the court of the said county of Rockingham; and the commissioners shall moreover take bond with sufficient security from the said undertaker, payable to themselves and their successors, in the penalty of five thousand dollars, with a condition reciting the contract, and that the said undertaker and his assigns shall and will truly and faithfully perform the same within two years from the date thereof; which bond shall also be recorded in the court of the said county of Rockingham, and may be prosecuted from time to time in case of forfeiture, until the whole penalty shall be recovered in damages.

Duties and powers of commissioners.

2. In consideration of the great expense which the said undertaker will be put to in repairing and keeping the said road in repair, it shall and may be lawful for him and his assigns, after the said road shall be completed, to fix and establish a turnpike at such place thereon as he or they shall judge most convenient, and to demand and receive the following tolls or rates for passing the same, that is to say: For every coach, chariot or waggon, the driver and horses, twenty-five cents; for every four wheeled chaise or phaeton, and horses, seventeen cents; for every riding chair or cart, and horse, twelve and a half cents; for every man and horse six and one fourth cents; for every head of black cattle three cents; for every head of sheep or hogs one cent: *Provided always*, That it

Turnpike to be established.

Tolls.

shall and may be lawful for the said undertaker, or his assigns, to demand and receive half the tolls or rates hereby allowed, when the said road shall be compleated and finished from Adam Hansbarger's plantation over to the foot of the east side of the South mountain or Blue Ridge, to be adjudged and approved by the said commissioners, or a majority of them, of which they shall give the said undertaker a certificate; and when the residue of the said road shall be finished according to contract, to be adjudged and approved by the said commissioners, or a majority of them, a report thereof shall be by them made to the next court to be held for the said county of Rockingham, and entered of record, and from thenceforth full tolls or rates may be demanded and received by the undertaker or his assigns.

Road to be examined when compleated.

3. The said commissioners, or a majority of them, are hereby empowered and required, from time to time as they shall think necessary and proper, to view and examine the said road after the same shall have been compleated and finished according to contract, and if they shall find the same out of sufficient repair, and shall remain so out of repair for one month, that then the said commissioners, or a majority of them, may lawfully destroy the said turnpike or cause the same to be done, and the right of the said undertaker, or his assigns, to demand and receive any tolls or rates, shall thenceforth cease.

Penalty for demanding more than legal tolls.

4. If the said undertaker, or his assigns, shall demand and receive any greater tolls or rates than are hereby allowed, he shall forfeit and pay the tolls demanded and received, and two dollars for every such offence, recoverable by warrant.

Money recovered of undertaker, how to be applied.

5. All sums of money recovered of the said undertaker, or his security or securities, or his or their executors or administrators, shall be applied by the said commissioners, or a majority of them, towards repairing the said road in such places and in such manner as to them shall seem best.

Tolls allowed for fifty years.

6. If the said undertaker, or his assigns, shall repair and constantly keep the said road in repair according to contract, he or they shall and may demand and receive the said tolls or rates for and during the term of fifty years, to be computed from the time the said road shall have been received by the said commissioners, and no longer.

How vacancies in commissioners may be supplied.

7. In case of the death, removal, refusal to act, or resignation of a commissioner, such vacancy, so often as it happens, shall be supplied by appointments to be made by the court of the said county of Rockingham, and the persons so appointed shall have the same power, as if they had been particularly named in this act.

Commencing clause.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 79.—An ACT for establishing several new ferries.

(Passed January 22, 1802.)

Ferries established at the places herein mentioned, and rates for crossing the same.

1. *Be it enacted by the general assembly*, That public ferries shall be constantly kept at the following places, and the rates for passing the same as followeth, that is to say—From the land of Obadiah Kirby in the county of Halifax, on the south side of Dan river, across the said river to the land of Richard Kirby on the opposite shore, the price for a man four cents, and for a horse the same; from the land of John Gatewood in the county of Shenandoah,

across the north fork of Shenandoah river, to the land of Christian Stover on the opposite shore, the price for a man six and one fourth cents, and for a horse the same; from the land of Peter Anderson adjoining the town of Belville, across the Ohio river to the opposite shore in the north-western territory, the price for a man eight and two thirds cents, and for a horse the same; from the land of John Copsey in the county of Hampshire, across Little Capecon creek to the opposite shore, the price for a man six and one fourth cents, and for a horse the same; from the lot designated number six in Ezekiel town on the land of Henry Jolly in the county of Ohio, across the Ohio river to the opposite shore in the north-western territory, the price for a man eight and two thirds cents, and for a horse the same; from the land of George Mason, deceased, in the county of Fairfax, across Potowmac river to the opposite shore in the state of Maryland, the price for a man twenty-five cents, and for a horse the same; from the land of Caleb Cartwright in the county of Wood, across Little Kanawha river to the lands claimed by Richard Lee, the price for a man six and one fourth cents, and for a horse the same; from the land of the said Caleb Cartwright across the mouth of Hughes's river, to the land of Hugh Wilson, the price for a man three and one fourth cents, and for a horse the same; from the land of Thomas Alsbury in the county of Kanawha, across the Ohio river to the opposite shore, the price for a man eight and two thirds cents, and for a horse the same; from the land of James Vanbibber in the county of Kanawha, about one mile above the mouth of Guyandotte, across Ohio river to the opposite shore, the price for a man eight and two thirds cents, and for a horse the same; from the land of John Miller in the county of Kanawha, across Big Sandy river to the opposite shore in the state of Kentucky, the price for a man six and one fourth cents, and for a horse the same; from the land of Jeremiah Ward in the county of Kanawha, across Guyandotte river to the opposite shore, the price for a man six and one fourth cents, and for a horse the same; and from the land of Daniel Kincheloe in the county of Wood, across the Little Kanawha river, to the land of William Redcliffe on the opposite shore, the price for a man six and one fourth cents, and for a horse the same. The transportation of the following things shall be at the rates hereafter mentioned, that is to say—For every coach, chariot, waggon and the driver, the same as for six horses; for every four wheeled chaise, phaeton and driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of nett cattle, the same as for one horse; for every sheep, hog, goat or lamb, one fifth part of the ferriage for one horse, and no more.

2. If the keeper of any of the said ferries shall demand and take from any person, greater rates for the ferriage than are hereby allowed, such offender shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars for every such offence, recoverable by warrant.

3. This act shall commence and be in force from and after the passing thereof.

Penalty for demanding more than legal rates.

Commencing clause.

CHAP. 80.—An ACT to establish an academy and incorporate the trustees thereof in the county of Halifax.

(Passed January 23, 1802.)

Preamble.

1. Whereas application hath been made to the general assembly to pass an act to appoint trustees of an academy, proposed to be built in the county of Halifax, and to incorporate them into a body politic; and as it is the interest of all free governments, to encourage therein, as much as possible, the diffusion of useful knowledge:

Trustees appointed and incorporated.

2. *Be it enacted*, That John B. Scott, William Terry, George Carrington, Thomas Howerton, Isaac Oakes, James A. Glenn, John S. Vaughan, Thomas Watkins, Berryman Green, Charles Wamack, Charles Meriwether, James Chalmers, John A. Foulks, William Royall, James Bruce, Isaac H. Coles, Melchisideck Spragins, John Clarke, Peter Barksdale, James Linn, William Keen, Giles Thweat, Henry E. Coleman and Isham Britton, gentlemen, be, and they are hereby constituted a body politic and corporate, by the name of *The Trustees of the Halifax Academy*, and by that name shall have perpetual succession and a common seal. The said trustees

Their powers.

and their successors by the name aforesaid, shall be capable in law, to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods or chattels which shall be given or devised to, or purchased by them, for the use of the said academy, and to sell and dispose of the same, in such manner as to them shall seem most advantageous for the said academy. The said trustees by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity. They shall have power from time to time, to establish such bye-laws, rules and regulations, not contrary to the laws and constitution of this state or the United States, as they may judge necessary for the good order and government of the said academy.

Number necessary to constitute a board in certain cases.

3. Not less than thirteen of the said trustees shall constitute a board, to determine upon any matter relative to the establishment, government, or support, of the said academy; nor shall any real estate belonging to the said academy be disposed of unless nine trustees concur in opinion therein.

How vacancies to be supplied.

4. Upon the death, resignation, or other legal disability of any of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them.

Officers may be appointed and displaced.

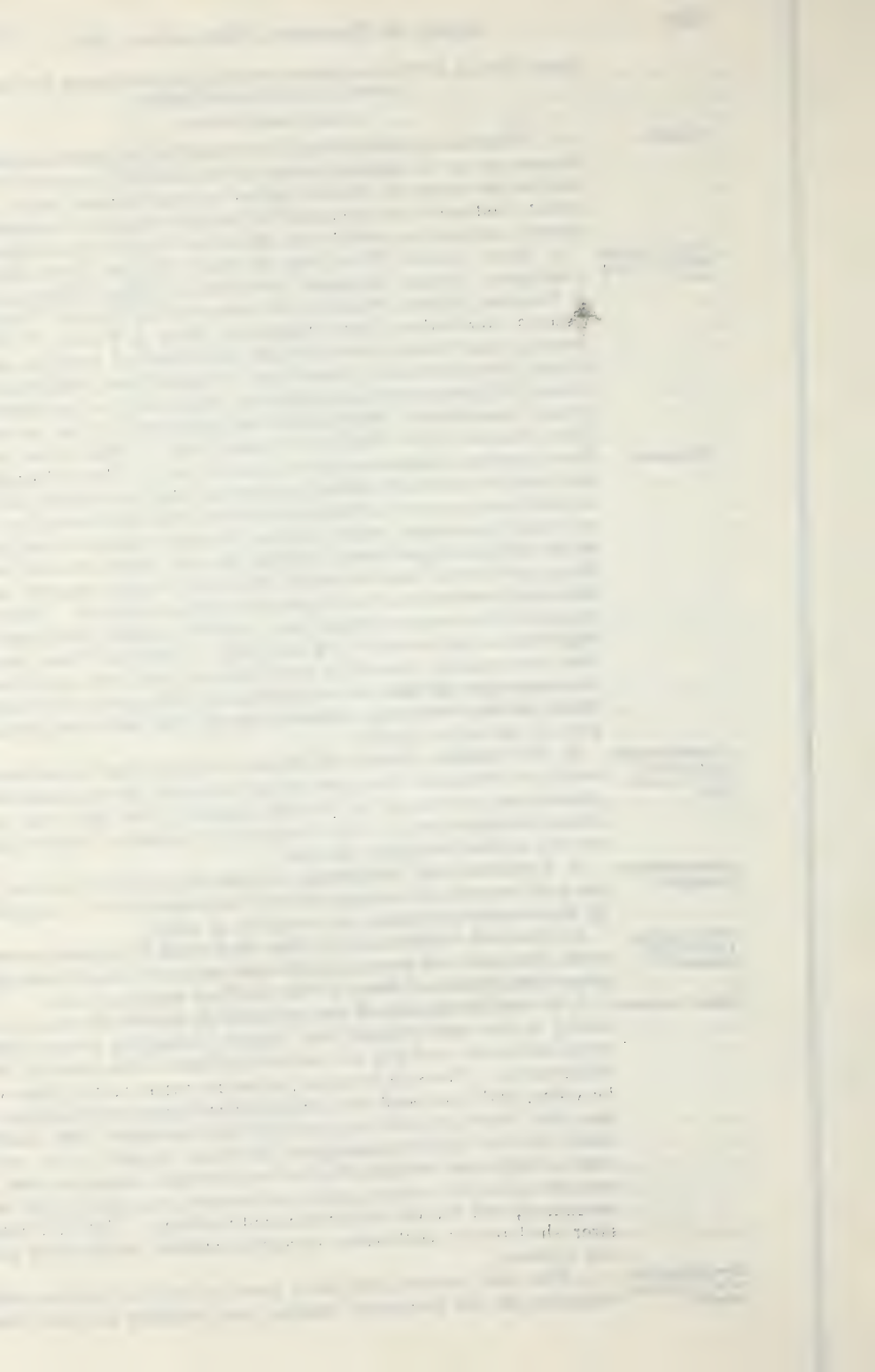
5. The said trustees may, if they shall think fit, appoint a treasurer, president and tutors, and all other necessary officers, and displace them, or any of them, if they shall see cause so to do.

Duty of treasurer.

6. It shall be the duty of the treasurer to receive all monies accruing to the said academy, and property belonging thereto, delivered to his care, and pay and deliver the same to the order of the said trustees. The said treasurer, before he enters on the duties of his office, shall give bond and security, in such sum as the said trustees shall direct, payable to them and their successors, and conditioned for the faithful discharge of the trust reposed in him, and that he will when required by the said trustees, render to them a true account of all monies, goods and chattels, received by him on account of, and for the use of the said academy. The said treasurer shall receive such salary as may be allowed and fixed by the said trustees.

How subscriptions to be received and enforced.

7. The said trustees shall have power to take and receive subscriptions, for the purpose of erecting and building the said academy.



demy, and any other buildings which they may think necessary thereto; and if any person shall fail or refuse to pay the money by him subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant, before a magistrate, where the amount shall not exceed ten dollars, and where it shall exceed that sum, by motion in the court of the county where the delinquent subscriber resides, upon ten days previous notice thereof being given.

8. If the treasurer shall fail to render, when thereunto required, a just and true account of all monies, goods and chattels, which have come to his hands by virtue of his office, and also of all expenditures relative to the said academy, he shall on such failure, be subject to a judgment, on motion, in any court of record in this commonwealth, and execution may thereupon be awarded in like manner as against sheriffs for the non-payment of public taxes. Remedy against treasurer.

9. And whereas by an act passed in the year 1789, intituled, "*An act for vesting in trustees the interest which the commonwealth now hath, or hereafter may have, in a tract of land whereof John Calder died seized,*" it is among other things enacted, that the said tract of land lying in the county of Halifax, shall be vested in certain trustees in the said act named, who, or the survivor or survivors of them, are directed, when required by Daniel M'Callum, administrator of the said John Calder, deceased, after the right of the commonwealth to the said land shall be fully established, to sell and dispose of the same, and to pay the money arising from the sale of the said land to the said administrator, to be applied by him in a due course of administration, to the discharge of the debts of the said decedent. And whereas it is represented to the present general assembly, that the trustees named in the said act have not yet made sale of the said land, *Be it therefore enacted*, That on motion of the trustees of the said academy, to the court which granted administration of the estate of the said John Calder, it shall be lawful for the said court to appoint such persons as they shall think fit, to examine, ascertain and state the balance of the debts appearing to be due from the estate of the said Calder, and to make report thereof to the said court, and thereupon it shall and may be lawful for the trustees named in the above recited act, or the survivors or survivor of them, to sell the said tract of land, or so much thereof as shall be sufficient to discharge the debts due from the said John Calder, deceased, the proceeds of which sale shall be paid to his administrator, to be applied by him agreeably to the directions of the said act, and the residue of the said tract of land, if any, shall thereafter remain and be vested in the trustees of the said academy for the benefit thereof. Certain land which belonged to John Calder after payment of his debts to be vested in academy.

10. This act shall be in force from the passing thereof.

Commencing clause.

CHAP. 81.—An ACT to amend the act, entitled, "An act to amend the charter of the borough of Norfolk," and to amend the act, entitled, "An act authorizing the common council of the borough of Norfolk to appropriate and apply the taxes thereof."

(Passed January 26, 1802.)

1. *Be it enacted by the general assembly*, That on the twenty-fourth day of June next, or if that should happen on a Sunday, then the day following, and also on the same day of the same month in every year thereafter, with the aforesaid proviso as to Sunday, the common councilmen of the borough of Norfolk shall be elected in Annual election of common councilmen.

President and vice president to be elected.

Vacancies in, how to be supplied.

Powers of common council.

Regulation as to appropriation of taxes.

How streets to be kept in repair.

Regulation as to election of mayor.

the manner already prescribed by law, to serve for one year next ensuing such election. The common councilmen when chosen and qualified as the law directs, shall elect out of their own body for the term aforesaid, a president and vice president, the latter shall preside at their meetings in the absence of the former, and shall have like power to convene the common council whenever the said president shall be out of the said borough, or unable to attend. And in case of the death, resignation or removal, of either of the persons elected to preside as aforesaid, the survivor shall convene the common council for the purpose of electing one of their own body to supply such vacancy.

2. *And be it enacted*, That the common council shall have the sole right of taxing the freeholders and inhabitants thereof, and passing bye-laws or ordinances for the purpose of regulating the police of the said borough, not contravening the constitution or laws of this commonwealth; that all appropriations for the support of the poor, repairs and improvements of the streets, and support of a watch, shall be separate and distinct from each other; and all taxes assessed for the repairs and improvements of the streets, shall be subject to the order and control of the mayor, recorder and aldermen of the said borough, as directors of the streets, and shall be apportioned by them among the several wards, in any manner which they may judge to be most conducive to the benefit of the said corporation. The court of the said borough shall annually lay off the borough into not more than ten, nor less than six wards, and shall annually appoint one discreet person in every ward to act as a commissioner of the street within the same, who shall give bond and security for the faithful discharge of his duty, to the mayor, recorder and aldermen, and their successors, for the benefit of the said borough, and in such penalty as the court of the said borough shall direct, and shall receive as a compensation for his services a sum not exceeding seven and an half per cent. on the amount of the taxes appropriated for the use of the streets within the ward for which he shall be appointed, which taxes shall be assessed as aforesaid, for the improvement and repairs of the streets, shall be paid by the collector thereof on the order of the mayor, or in his absence, the recorder, to the commissioners of each ward, who shall annually, or oftener if required, render an account of expenditures to the said court. And if the appropriation for each ward shall be insufficient to put the streets within the same in good order, the said commissioner shall have the same power of calling out the tithables within his ward as is given to overseers of the highways, and shall pursue the same mode to compel a compliance with his orders as may be resorted to by the said overseers, and shall be subject to the like penalties as the said overseers now are, recoverable in the same manner.

3. *And be it further enacted*, That if from any cause a mayor should not be chosen on the day appointed by law for that purpose, there shall be no dissolution of the corporation of the said borough, but the then mayor, recorder, aldermen and common councilmen, shall remain in office, and continue to exercise their respective duties until a new election is made; and the said recorder and aldermen, or some one of them, is hereby authorized and required to order a court to be convened on the next, or any succeeding day, for the purpose of electing a mayor for the time already fixed by the

charter of the said borough. And further, it shall be lawful for the common council of the said borough to annex to their bye-laws, penalties for a breach thereof, not exceeding twenty dollars for any one offence; any thing in the charter of the said borough, or the laws of this commonwealth, to the contrary notwithstanding.

Common council may impose fines for breach of their laws.

4. All acts and parts of acts coming within the purview of this act, shall be and are hereby repealed.

Repealing clause.

5. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

CHAP. 82.—An ACT for altering the time of holding a quarterly court for the county of Fauquier.

(Passed January 27, 1802.)

1. *Be it enacted by the general assembly*, That a court of quarterly sessions for the county of Fauquier, shall hereafter be held in the month of June instead of the month of May in every year.

May quarterly court altered.

2. This act shall be in force from the passing thereof.

Commencing clause.

CHAP. 83.—An ACT to incorporate a company for establishing a turnpike road from the intersection of Duke street in the town of Alexandria, with the south-west line of the District of Columbia, to the ford of Little river where the turnpike road now crosses it.

(Passed January 28, 1802.)

1. *Be it enacted by the general assembly*, That William Harts-horne and John Thomas Ricketts in the county of Fairfax, Israel Lacy and Burr Powell in the county of Loudon, David Hunter and William Riddle in the county of Berkeley, Thomas Hammond and Matthew Frame in the county of Jefferson, Bushrod Taylor and William Davidson in the county of Frederick, Samuel Croudson and William Steenbergen in the county of Shenandoah, be, and they are hereby appointed commissioners, to open books for the purpose of receiving subscriptions; in each of which books they shall enter as follows, to wit: "We whose names are hereunto subscribed, do promise to pay to the president and directors of the Little river turnpike company, the sum of one hundred dollars for each share of stock in the said company, set opposite to our respective names." Every person at the time of subscribing, shall pay to some one of the said commissioners, the sum of ten dollars for each share by him subscribed, to be by the said commissioners paid to the president and directors who shall be elected agreeably to this act; and the said president and directors shall have power to demand from the subscribers from time to time such advance on their respective shares as the wants of the company may require, until the whole of their subscriptions shall be paid, giving at least one month's notice thereof, in one or more newspapers in Alexandria, the City of Washington, Georgetown, and Winchester, and if any person so subscribing, shall fail to make any of the said payments, he shall forfeit the sum or sums so paid before by him, to the use of the said road, and shall also forfeit his right to his subscription for such share or shares, and the president and directors shall have power to dispose of such forfeited share or shares for the use of the said road.

How subscriptions to be received.

2. That as soon as two hundred shares shall be subscribed, the said commissioners, or any four of them, may call a meeting of the subscribers at Leesburg in the county of Loudon, giving one

Meeting of subscribers.

Their powers.

month's notice thereof in at least one newspaper in Alexandria, the City of Washington, Georgetown and Winchester, at which time and place the said subscribers by a majority of votes delivered in person or by proxy duly authorized, shall elect one president, four directors, one treasurer, and such other officers as they shall think necessary, to conduct the business of the said company for one year, and until such other officers shall be chosen, and may also make such bye-laws and regulations not inconsistent with the constitution and laws of this state, as shall be necessary for well ordering and conducting the affairs of the said company: *Provided*, That no person have more than ten votes at any election or in any question which may occur at any meeting. And immediately after such election, the said president and directors shall inform the governor of this state thereof, who shall by letters patent under his hand and the seal of the state, create the subscribers and those who shall afterwards subscribe, to the number of two hundred additional shares, into a body politic and corporate, by the name and style of *The President, Directors and Company of the Little River Turnpike Company*, and the said subscribers by the same name, shall have perpetual succession and all the privileges incident to a corporation.

How the company to be incorporated.

Certificates for shares to be delivered subscribers.

3. *And be it further enacted*, That the president and directors cause to be written or printed, certificates for the shares of the stock in the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, to each person for every share subscribed by him, which certificate shall be transferrable by him, subject however, to all payments due or to grow due thereon, and such assignee having first caused the transfer or assignment to be entered in a book of the company to be kept for that purpose, shall thenceforth become a member of the said company.

How materials to be taken for making the road.

4. *And be it further enacted*, That the said president and directors, their superintendants, surveyors, engineers, artists and chain-bearers, may enter into and upon all the lands, tenements and enclosures, through which the said turnpike road passes, and to examine all beds of stone or gravel in the vicinity, which may be necessary for making the said road; first giving notice of their intention to the owners thereof, and if they cannot agree with such owner for any wood, gravel, stone or other materials for the said purposes, they shall appoint three disinterested freeholders, any two of whom may appraise the same; or if the said owner shall refuse to join in the choice, then the appointment of such freeholders to be made by some justice of the peace of the county, and the said president and directors on paying the said appraised value thereof may lawfully enter into the said lands, tenements and enclosures, and dig, cut and carry away, any of the said materials, doing as little damage as possible, and repairing any breaches they may make in the enclosures, and making amends for any damage in the manner aforesaid.

Bridges may be made over water courses crossing the road.

5. *And be it further enacted*, That the said president and directors shall have power to make bridges over all the water courses crossing the said road, wherever they shall be found necessary, and shall make the said road thirty feet in width, with a sufficient ditch on each side, twenty feet of which road shall be well covered with gravel or stone in such places as shall require it, so as to render the

passing of waggons thereon as easy and convenient as possible, and they, the said president and directors, shall forever hereafter keep the same in good and perfect order and repair, the whole extent of the said road.

6. *And be it further enacted*, That the said president and directors shall have power to run the said road in any course they shall suppose most eligible, taking into view shortness of distance, the nature of the ground and other circumstances; their superintendants, surveyors, engineers and chain bearers to enter into and upon all and every lands, tenements and enclosures through which the said intended road may be thought proper to pass, and to examine the ground for that purpose, and to survey, lay down and mark out, such route or tract for the same, as in the best of their judgment will combine shortness of distance with the most convenient and practicable ground; and if the proprietor or proprietors of any ground through which the said road may pass shall require compensation for the same, and also for the additional fencing which may be thereby rendered necessary, and the president and directors shall not be able to agree with them or their agents for the price thereof, the said president and directors may apply to the court of the county in which the land lies, whose duty it shall be to direct the sheriff of the said county to summon twelve disinterested freeholders, who, being first sworn, shall view the said ground and assess the value thereof, and any other damages in the manner prescribed by an act, entitled, "*An act concerning public roads*," which assessment shall be paid by the said president and directors or their agent, before the road shall be opened through the said ground; and any ground which may be necessary to erect houses on for the toll-gatherers, may be condemned and paid for in like manner.

How road to run.

Damages occasioned thereby how to be ascertained and paid.

Lands for buildings how to be taken.

7. *And be it further enacted*, That as soon as the said president and directors shall have completed the said road, ten miles from the said line of the District of Columbia, towards Little river, and so from time to time, any other like distance progressively, they shall give notice thereof to the governor of this state, who shall forthwith appoint three skilful persons to view and examine the same, and to report to him whether the said road is so far executed according to the meaning of this act, and if their report be in the affirmative, the said governor shall permit them to erect such and so many gates or turnpikes upon the said road as will be necessary, and also to appoint toll-gatherers for the purpose of collecting the tolls hereinafter granted to the said company, that is to say: For every space of ten miles on the said road, the following sums, and so in proportion for every greater or lesser distance, viz: For every score of sheep twelve cents, for every score of hogs twelve cents, for every score of cattle twenty-five cents, and so in proportion for any greater or lesser number; for every horse six cents, for every two wheeled riding carriage twelve and an half cents, for every four wheeled riding carriage twenty-five cents, for every cart or waggon the wheels whereof do not exceed four inches in breadth, six cents, for each horse drawing the same; if the wheels exceed four inches, and are less than seven inches in breadth, three cents for each horse drawing the same, and where the breadth of the wheels exceed seven inches, two cents for each horse drawing the same, and every mule or ox drawing any wag-

When toll gates to be erected.

Rates of tolls.

How road to be kept in repair till turnpike erected.

Tolls to cease when road out of repair.

Penalty for not keeping it in order.

Time allowed for beginning and finishing road.

Tolls subject to control of legislature.

Commencing clause.

gon or cart, shall be estimated in paying the said tolls as equal to a horse: *Provided always*, That return waggons and carts shall be subject to no toll whatever, unless they shall have a load exceeding five hundred weight, in which case they shall pay the same tolls as by this act established: *And provided also*, That nothing in this act shall extend to those travelling up or down the stage road leading from Colchester to Alexandria, nor to the roads falling into the said stage road below the ford of Great Hunting creek; and until the said road shall be completed, the county courts of Loudoun and Fairfax, shall be, and they are hereby empowered and required, to appoint overseers, and to allot the male labouring tithables residing within three miles of the road as at present established, to work thereon, not exceeding six days in any one year.

8. *And be it further enacted*, That if the said company shall neglect to keep the said road in repair for the space of five days, and information thereof shall be given to any justice of the peace in the neighbourhood, he shall issue a warrant to a constable, commanding him to summon three freeholders to meet at a certain time and at the place complained of, both to be mentioned in the warrant, previous reasonable notice having been given to the person entrusted with the repair thereof, and if on enquiry by the said freeholders, in presence of a justice of the peace, the said road shall be found to be out of order according to the true meaning of this act, the tolls shall cease to be demanded at the nearest gate, until such defective part of the said road shall be put in proper repair, and moreover the person entrusted by the said company with the repair thereof, shall be subject to a fine of ten dollars, to be recovered by warrant with costs, before a justice of the peace, one moiety to the use of the poor of the county, and the other to the person prosecuting for the same.

9. *And be it further enacted*, That if the said company shall not proceed to carry on the said work, within one year after the first day of March next, and shall not within seven years thereafter, complete the said road, according to the true meaning of this act, in either of those cases, the legislature of this state, may resume all the rights and privileges hereby granted to the said company.

10. *And be it further enacted*, That the tolls herein allowed, shall be subject to the control of the legislature at the end of seven years after the completion of the said road, or at any time thereafter: *Provided*, That they shall not be so reduced as to make them nett less than fifteen per centum, on the whole stock of the said company in any one year, to the shareholders therein.

11. This act shall commence and be in force from and after the first day of March next.

CHAP. 84.—An ACT authorizing Joseph Caldwell to republish the public acts of this commonwealth.

(Passed January 23, 1802.)

Preamble.

1. Whereas it hath been represented that a collection has been made by Joseph Caldwell, of such acts of the general assembly of a public and permanent nature, as are now in force within this commonwealth; and the said Joseph Caldwell having petitioned the legislature to sanction a publication of the same in such manner as to give them legal authority:

2. *Be it enacted*, That Hugh Holmes, Charles Magill, Robert White, and Archibald Magill, gentlemen, or any three of them, be, and they are hereby authorized to examine the collection of the aforesaid acts, and all the notes and references respecting the same, made and proposed to be published by the said Joseph Caldwell, and if the said committee shall be of opinion that the said laws have been carefully collated, that the notes are accurately made, and that an edition thereof will be of public utility, upon a certificate to that effect, signed by three at least of the aforesaid persons, published with the said laws, and also that they are truly and accurately printed, they shall be received, adjudged and considered of equal authority with the originals from which they are taken, in all courts and other places within this commonwealth.

Republication of
public acts sanc-
tioned.

3. This act shall be in force from the passing thereof.

Commencing
clause.

CHAP. 85.—An ACT to amend an act, entitled, "An act to incorporate a company for establishing a turnpike road from the mouth of Savage river or George's creek on Potowmack, to the nearest western navigation."

(Passed January 23, 1802.)

1. *Be it enacted by the general assembly*, That the persons appointed by the act of the general assembly of Virginia, passed at their session began and held at the capitol in the city of Richmond, on the first Monday in December 1800, entitled, "*An act to incorporate a company for establishing a turnpike road from the mouth of Savage river or George's creek on Potowmack to the nearest western navigation*," to receive subscriptions, or to meet such persons as might be appointed by the state of Maryland, for the purpose of receiving subscriptions for the said company on the first Monday in March last, may proceed to take subscriptions as by the said act allowed, on the first Monday in March next, and the said company shall cause that part of the said road, next to the Potowmac, to begin at the burnt mill about one mile below George's creek; any thing in the aforesaid act to the contrary notwithstanding.

Subscriptions
when to be taken.

Beginning of cer-
tain part of the
road.

2. *And be it enacted*, That the president and directors of the said company, shall, at the end of every third year after the choice of the first directors, lay before the executive of this commonwealth, an abstract of their accounts, shewing the whole amount of their capital expended, and of the income arising from the toll, for and during the said respective periods, with an exact account of the charges of keeping the said road in repair, and other contingent costs and charges, to the end that the clear annual income and profits may be ascertained and known. And if at the end of any three years after the said road shall be completed, it shall appear from the average profits of the said three years, that the said income and profits thereof, will not bear a dividend of fifteen per centum per annum, on the whole capital stock of said company so expended, then it shall and may be lawful to and for the said president and directors to increase the tolls by the said act allowed, so much upon each and every allowance thereof, as will raise the dividends up to fifteen per centum per annum, in which increase they shall be regulated by the nett profits of the preceding year.

President and di-
rectors to lay be-
fore the executive
an abstract from
their accounts.

When tolls may
be increased.

3. *And be it enacted*, That in case the tolls by the said act established, shall in any one year from and after the term of three years after the completion of the said road, exceed in nett profits

Legislature may
reduce them in
certain cases.

the sum of fifteen per centum per annum, then the legislature may at any subsequent session, and from time to time, reduce the said tolls: *Provided*, That when thus reduced they shall not yield in nett profits less than fifteen per centum per annum, and in making such reduction, they shall be governed by the average of the clear income and profits arising from the tolls of the three years next preceding such reduction.

Commencing
clause.

4. This act to commence and be in force from the passing thereof.

CHAP. 86.—An ACT releasing to the heirs and representatives of Dennis Getty, the right of the commonwealth to certain lands therein mentioned.

[Passed January 30, 1802.]

Commonwealth's
right to certain
lands released.

1. *Be it enacted by the general assembly*, That all the right, title, interest, claim and demand which the commonwealth now hath, or hereafter may have, in or to two certain tracts of land lying in the county of Botetourt, whereof Dennis Getty died seized and intestate, shall be, and the same is hereby released unto the legal heirs and representatives of the said Dennis Getty, deceased; saving, however, to all and every person and persons, bodies politic and corporate, other than the commonwealth, any right, title or interest, which he or they might or would have had, in or to the said lands, or any part thereof, if this act had never been made.

Commencing
clause.

2. This act shall be in force from the passing thereof.

CHAP. 87.—An ACT for the relief of Benjamin Winslow.

[Passed January 30, 1802.]

Preamble.

1. Whereas Benjamin Winslow was one of the deputies of Rowland Thomas, formerly sheriff of Orange county, and moreover joint security with Winslow Parker, his other deputy, and others, in the bond given by the said Thomas, for the collection of the tax due from the said county, for the year one thousand seven hundred and eighty-four; and whereas the said tax not being accounted for and paid in due time, a suit was commenced in the general court on the said bond, some time in the year one thousand seven hundred and eighty-seven, and protracted by the inattention of the agents of the commonwealth until a very late period, previous to which the said Rowland Thomas and his other deputy, the said Winslow Parker, had removed to the western country, and all the other securities were dead, and their estates either squandered or inaccessible, and the said Benjamin Winslow thereby has become alone exposed to the entire execution of the said judgment, when a small part of his just proportion of the tax, for the non-payment whereof the same was rendered, appears to be due by him, which part he would long since have paid, had not his collection been impeded by a bodily disability incurred by accident:

Time allowed
Benjamin Wins-
low to pay a judg-
ment obtained
against him on be-
half of common-
wealth

2. *Be it therefore enacted by the general assembly*, That the said Benjamin Winslow shall be allowed to pay the amount of the judgment obtained against him on the bond aforesaid, in three annual instalments, upon his entering into bond with sufficient security, before the court of the county of Orange, payable to the treasurer of this commonwealth and his successors, with a condition for the payment of the amount of the several instalments; the first of which shall be paid on or before the first day of January, eighteen hundred and four; and the bond so executed shall be by the said

court transmitted without delay, to the auditor of public accounts, who shall proceed by motion thereon in the general court, to recover the amount of each instalment, upon a failure to pay the same: *Remedy in case of non-payment.* *Provided*, Ten days notice shall be given of said motion, to the obligor or obligors: *Provided also*, That the said Benjamin Winslow shall be allowed for insolvencies and non-residents for the years one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four, upon his producing to the auditor a certificate from the court of the county of Orange, of the allowance of such insolvencies and non-residents; and that he be released from the payment of the fifteen per cent. damages on the aforesaid judgment released. *Insolvencies to be allowed.* *Damages on judgment released.* and all interest accruing on the said damages.

3. This act shall commence and be in force from and after the passing thereof. *Commencing clause.*

CHAP. 88.—An ACT to pay the officers of the general assembly for their services during the present session.

(Passed January 30, 1802.)

1. *Be it enacted*, That the allowance to the officers of the general assembly, for their services during the present session, shall be as follows, that is to say—To the chaplain, twenty dollars per week; to the clerk of the house of delegates, one hundred and forty-five dollars per week; to the clerk of the senate, seventy-two and an half dollars per week; to the clerk of the committee for courts of justice, forty dollars per week; to the clerk of the committees of propositions and grievances, and privileges and elections, forty dollars per week; to the clerk of the committee of claims, forty dollars per week; to the sergeants at arms to the senate and house of delegates, each, thirty-seven dollars per week; to each of the door-keepers of the senate and house of delegates, twenty-one dollars per week; to Thomas Nicolson for printing the journal of the senate, two hundred and seventy-five dollars; and to the person who cleans the capitol, twenty dollars. *Allowance to officers of assembly.*

2. This act shall commence and be in force from and after the passing thereof. *Commencing clause.*

CHAP. 89.—An ACT for refunding a sum of money to Joseph Faucett.

[Passed January 30, 1802.]

1. *Be it enacted by the general assembly*, That the auditor of public accounts be, and he is hereby authorized and required, to issue to Joseph Faucett, late deputy sheriff in the county of Rockingham, in person or by attorney, a warrant for the sum of thirteen dollars and seventy-five cents, the amount of insolvencies occurring in the land tax due from the said county, for the year one thousand seven hundred and ninety-eight, collected by him in consideration of the said Joseph Faucett having been prevented by sickness and other unavoidable accidents, from getting the lists of such insolvents certified in due time, and an allowance of the same made him, at the time of paying the said tax into the treasury. The warrant so issued, shall be paid by the treasurer out of any money in the public treasury. *Warrant to be issued.*

2. This act shall commence and be in force from and after the passing thereof. *Commencing clause.*

CHAP. 90.—An ACT providing for the opening a road from the upper navigation of James river, to the upper navigation of Kanawha river.

(Passed February 1, 1802.)

Report to be made
to legislature as to
route for road, &c.

1. *Be it enacted by the general assembly*, That the governor with the advice of council, be, and he is hereby authorized and required, to cause to be explored and ascertained by means of commissioners, to be by him appointed, or by any other means, the nearest and most convenient route for opening and conducting a waggon road from Crowsville in the county of Botetourt, to the upper navigation on the river Kanawha, and that a report thereupon be prepared and communicated to the next general assembly for its consideration; and the governor is requested by the means aforesaid, to ascertain and report the advantages and disadvantages of making the proposed road from the highest possible point, to which the James or Jackson's river may be made navigable; and that the expense in carrying the said object into effect, be paid out of any money in the treasury, upon the order of the executive.

Commencing
clause.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 91.—An ACT to appropriate a certain tax to the opening and completing a road through the counties of Russel and Lee, and for other purposes.

(Passed February 1, 1802.)

Preamble.

1. Whereas it has been represented to the present general assembly, that a road proposed to be opened through the counties of Russel and Lee, will be of great public utility, by facilitating the intercourse between all the counties in that quarter of this state, and the states of Tennessee and Kentucky; but that the same cannot be opened through a tract of unsettled country of about twelve miles extent, from Joseph Culbertson's in Russel county, to the Flat lick in the county of Lee, without some extraordinary aid; and whereas a great number of the inhabitants of the said county of Russel have petitioned this assembly, that the arrearages of a tax due by the people of the said county, for the year one thousand seven hundred and eighty-eight, may be appropriated and applied to that object, under proper regulations and restrictions:

Arrearages of
taxes due from
Russel county, for
1788, how to be
collected.

2. *Be it therefore enacted*, That for the purpose of collecting the said tax, the courts of the counties of Russel, Lee and Tazewell, shall appoint each one collector at their said courts respectively, to be held in the month of March next, each of the said collectors so appointed, after having taken an oath and entered into bond with sufficient security, before the court of the county by which he shall be appointed, for the due collection and accounting for, according to the directions of this act, the proportion of the said tax due by those people within the limits of his county, who were inhabitants of the county of Russel, according to its established limits, in the year one thousand seven hundred and eighty-eight, shall proceed forthwith to such collection, according to the separate list of taxables to be furnished him by order of the court of Russel county, as hereinafter directed; the court of the said county of Russel, shall, immediately after the appointment of the said several collectors, direct their clerk to cause to be made out, from the lists of land tax and taxable property returned to and filed in his office, for the year one thousand seven hundred and eighty-eight, one fair copy of a list of all such of the said taxables as reside in each of the respective

counties above mentioned, for the use of each of the collectors therein, and another correspondent copy of each list to remain filed in the said office for the use of the said court, as evidence whereupon to charge the said several collectors, and compel them to account. In case the clerk shall not be able to make out correct copies of such lists from his own knowledge of the people, or from the records and filed papers in his office, the court of the said county of Russel, may cause him to be furnished with such additional information for that purpose, as it may be in their power in any manner to procure, and may moreover make him such allowance for his extra trouble in the said business, as they may think proper and reasonable, to be paid him by order of the said court, out of the monies which shall be collected by the collectors of the said counties above mentioned, or either of them.

3. *And be it further enacted*, That at some court between the time of appointing the said collectors, and the time hereinafter directed for their accounting for and paying the money by them collected, the court of the said county of Russel shall also appoint one superintendant, for the purpose of superintending the work to be performed, in opening the unfinished piece of road above mentioned, and causing the same to be done according to the directions of this act. The said superintendant shall at the time of his appointment, or at some subsequent court shortly thereafter, take an oath and enter into bond payable to the governor and his successors, before the court appointing him, in a sufficient penalty and with sufficient security, to be fixed and approved of by the same court, conditioned for his true and faithful performance of the duties of a superintendant, in pursuance of this act, both in regard to the opening the said road, and his duty and punctuality, accounting with the court of the said county of Russel, for all monies received and disbursed by him in the execution of the said work, which bond so taken, shall be filed of record in the clerk's office of the said court.

A person to be appointed for superintending the road to be opened.

4. *And be it further enacted*, That the bonds which shall be given by the collectors in the counties of Lee and Tazewell, shall be forthwith safely transmitted by the clerks of the courts of those counties to the clerk of the county court of Russel, to be by him filed of record in his office, with the bond given by the collector in the said county of Russel, and if the clerk of either of those counties, shall fail to perform any of the duties required of him by this act, he shall forfeit and pay the sum of five hundred dollars, to be recovered of him by action of debt, in the court of the county wherein he shall reside, or in the district court, and the money so recovered when levied by the sheriff, shall be paid by him to the superintendant of the road, to be by him applied towards the opening the same, in aid of the fund arising from the collection of the tax above mentioned, and shall account for the same in like manner as he is directed by this act to account for the said tax.

How bonds to be given for collecting taxes aforesaid to be preserved.

Penalty on clerks of Russel, Lee and Tazewell for neglecting certain duties.

5. The term of five months from the time the said collectors shall receive their separate lists of taxables, shall be allowed them respectively to complete their several collections of the said tax, at the expiration of which term they shall account for the same at the next court to be held for the said county of Russel. The accounts which may be rendered by them respectively, shall be audited by the said court, and after allowing them a commission of six per centum each, for their trouble in collecting, and deducting such sum (if any) as

Time allowed for collecting taxes aforesaid.

Remedy against
collectors for fail-
ing to pay said
taxes.

they may judge to be a reasonable compensation to the clerk for his extra trouble in making out the lists, and causing the same to be immediately paid him, shall direct the payment of the balance to be made to the superintendant of the road by them appointed, who shall accordingly receive the same, and give to each collector a receipt in writing therefor, which shall effectually discharge him therefrom. In case the said collectors, or either of them, shall fail to account for the said tax by him or them collected, within the time herein prescribed, it shall be lawful for the court of the said county of Russel, on the motion of the superintendant of the said road, to render judgment against each collector so failing, for the amount of the tax appearing by the list of taxables, to have been assigned him for collection in his county, together with the costs accruing on such motion, provided that ten days notice previous to the time of making such motion, be in every case given to every such collector, and on every such judgment, execution shall issue in the name of the said superintendant, directed to the sheriff of that county in which the said collector resides, and be proceeded on by him in like manner, and in case of failure on his part, he shall be liable to the like fines and penalties, to be recovered in like manner, and be proceeded against in every respect, as public defaulters are proceeded against by the auditor of public accounts. When the money shall be levied on any such execution by the sheriff, he shall pay the same to the said superintendant, who shall render an account thereof to the next court held for Russel county, and the like orders and regulations shall thereupon be made by the said court, as is herein before prescribed.

How the road to
be opened.

6. When payment shall be made by the collectors, the said superintendant, after the receipt of the said tax or any part thereof, from the said collectors or either of them, shall proceed forthwith to contract with and employ so many labourers, as will be sufficient to clear and open the said road, for such term of service and on such wages as he may deem just and necessary, and when so employed, to commence the said work at such time as he may appoint, and continue the same until he shall have caused to be cleared and compleatly opened a good waggon road, at least twenty feet wide, from Joseph Culbertson's plantation in the said county of Russel, to the Flat lick in the county of Lee, unless the fund arising from the said tax by him received, should prove inadequate to that purpose, in which case he shall proceed so far as the said fund will enable him to go. The said superintendant shall make a return to the said court of Russel county, once in every month after he shall have commenced the said work, of his progress in the same, and settle with the court an account by him to be rendered, of the monies by him disbursed in the prosecution of the work; which account shall be examined by the court, compared with the vouchers by him produced in support thereof, and when adjusted and allowed by them, ordered to be filed of record. The said court shall have a control from time to time, over the manner of executing the said work, and if from the report of the superintendant at any time, it shall appear to them that the same is not conducted in a proper and sufficient manner, they may order and direct him to cause the same to be executed in such manner as shall appear to them more conducive to public ease and convenience; they shall moreover have power to alter the rate of wages allowed by the superintendant, to the

Court of Russel to
have control over
the work.

labourers, and fix them at such rate as to them shall appear just and reasonable. In case the superintendant shall at any time fail to make the return and render the account required by this act, he shall forfeit and pay for every such failure, the sum of five hundred dollars, to the justices of the said county court of Russel, to be recovered by them by action of debt, in the district court, and applied when levied and received by them, to the lessening of their county levy; and moreover if he shall at any time after the commencement of the said work, fail to prosecute the same, and apply the money in his hands, duly and punctually to that object, in the manner herein before directed, the same shall be construed to be a breach of the condition of the bond by him entered into, in pursuance of his appointment to be a superintendant, and thereupon the said bond shall be put in suit, at the instance of the said justices in the district court, and on sufficient proof of such breach, shall be entitled to a recovery thereon, of such damages as shall be assessed by a jury, to be paid when levied, to the said justices, or such person as they may appoint to receive the same, and applied under their direction and superintendence, towards the completion of the said work. The said superintendant on the conviction of such failure, shall be removed by the said court from the said office, and the further prosecution of the said work shall thereafter be conducted by them in such manner as they shall think proper.

Penalty on superintendant for neglect of duty.

7. *And be it further enacted*, That the court of the said county of Russel, shall cause copies of the report made by the superintendant, from time to time, relative to the progress of the work done on the said road, and of the accounts rendered by him and settled, to be made out and transmitted to the executive so soon as conveniently can be done, after the same have been examined by them, in order that the executive may be enabled to lay a statement of the business before the ensuing general assembly, which, if it shall appear that the appropriation of the aforesaid tax shall not have been strictly and honestly applied to the accomplishment of the proper object, contemplated by this act, may take such further steps for the completion of the same, as may be deemed necessary and proper. And whereas there is an arrearage of tax also due from the said county of Russel, for the year one thousand seven hundred and ninety-five, and it is represented that the payment thereof at the same time that the aforesaid tax is raised, will greatly distress the good people of the said county; in consideration of which, they have petitioned this assembly for an extension of the time for paying the same:

Reports of superintendant to be transmitted to the executive.

8. *Be it therefore enacted*, That the collection of the arrearage of tax due by the people of the said county of Russel, for the year one thousand seven hundred and ninety-five, shall be, and the same is hereby postponed until the expiration of one whole year after the collection of the tax due by the people of the same county, for the year one thousand seven hundred and eighty-eight, in pursuance of the regulations prescribed by this act, shall be completed; any law to the contrary notwithstanding.

Time allowed for collecting taxes due from Russel county for 1795.

9. This act shall commence and be in force from and after the passing thereof.

Commencing clause.

RESOLUTIONS.

IN THE HOUSE OF DELEGATES.

TUESDAY, January 26, 1802.

Whereas a resolution of the general assembly of Maryland, hath been communicated to the present general assembly by the governor of this commonwealth in the following words, to wit: "*Resolved*, That the governor and council be, and they are hereby authorized and required to appoint three proper persons as commissioners on the part of this state, to meet such commissioners as may be appointed for the same purpose by the commonwealth of Virginia, to settle and adjust by mutual compact between the two governments the western and southern limits of this state, and the dividing lines and boundaries between this state and the said commonwealth; and also to settle and adjust as aforesaid, any claim of this state or the said commonwealth to territory within the limits of the other; and the said commissioners so to be appointed, are hereby required to report their proceedings in virtue of their said appointment and authority to the general assembly of this state, at their next session after the same shall have been concluded, for confirmation." And another resolution in the following words: "*Resolved*, That the governor of this state be requested, to transmit without delay, to the governor of Virginia, a copy of the foregoing resolve, in order to its being laid before the legislature of that commonwealth, and at the same time to communicate the wish of this general assembly that a similar resolution may be passed by the general assembly of Virginia, with a clause specifying the time and place, when and where, the commissioners appointed on the part of the said commonwealth, shall meet those appointed on the part of this state." And whereas this assembly are uninformed as to any claim which the state of Maryland may have, or set up, to any territory or lands within the limits of this commonwealth, as also of the causes of any discontent which may have arisen with respect to the southern boundary of the said state, already so well known and established:

Resolved therefore, That it does not appear to this assembly necessary at this time, to appoint commissioners for the purpose of adjusting the southern boundary or limits of the state of Maryland, with this commonwealth, as the boundary between the two states in that part thereof seems to be sufficiently known and established; and that the governor be requested to communicate the aforesaid resolution to the governor of Maryland, with a request that he will cause to be transmitted to him a statement of any claim which the state of Maryland may have to any lands within the limits of this commonwealth, and the ground upon which such claim is founded, as also the causes which may have produced any doubts concerning the northern boundary line of this commonwealth, as heretofore known and established, in order that a fair and equitable settlement of the said claims and limits may be made.

Southern boundary of Maryland with this state, adjudged to be already established, and governor to obtain statement of claim of Maryland to lands in this state.

Commissioners to be appointed to settle western boundary of Maryland.

Resolved, That the executive be, and they are hereby authorized and required, to appoint three fit and proper persons as commissioners on the part of this commonwealth, to meet such commissioners as may be appointed for the same purpose by the state of Maryland, to settle and adjust by mutual compact between the two states, the western boundary of the state of Maryland; and that the said commissioners so to be appointed, be required to report their proceedings to the general assembly of this commonwealth, at their next session after the same shall have been concluded, for their ratification.

Foregoing resolutions to be transmitted to governor of Maryland.

Resolved, That the governor of this commonwealth be requested to transmit without delay to the governor of Maryland, the foregoing resolutions, in order that the former may be authorized, together with the governor of Maryland, to settle and adjust the time and place, when and where, the commissioners so to be appointed on the part of the two states, shall meet for the purpose of carrying into effect the resolution aforesaid.

Agreed to by the senate, February 1, 1802.

MONDAY, January 18, 1802.

Proposition to amend constitution relative to mode of choosing electors disagreed to.

Resolved as the opinion of the general assembly of this commonwealth, That it is inexpedient to assent to the proposition from the states of Maryland and North Carolina, for amending the constitution of the United States, relative to the mode of choosing electors of president and vice president.

Agreed to by the senate, February 1, 1802.

MONDAY, January 18, 1802.

Agreement to proposition for altering mode of choosing representatives.

Resolved as the opinion of the general assembly of this commonwealth, That the mode of choosing representatives to congress, proposed by the states of Maryland and North Carolina, ought to be adopted so far as it requires the elections to be by districts and no farther.

Agreed to by the senate, February 11, 1802.

SATURDAY, January 30, 1802.

It being at all times the duty of the representatives of the people to be vigilant, and severely to scrutinize the conduct of those by whom their government is administered, and to censure them without reserve, when they wantonly or improperly lavish the public treasure; it is also their duty to bestow just applause on the integrity and patriotism of those who administer the national finances with fidelity and economy:

Expenditures of executive approved.

Resolved therefore, That from a fair and accurate investigation of the expenditures of public money by the executive, this assembly are of opinion, that the said expenditures were made in obedience to the laws, and conformably to precedents, and that they express their approbation of the conduct of the executive relative to the same.

Agreed to by the senate, February 2, 1802.

SATURDAY, January 30, 1802.

Resolved, That the general assembly entertains a high sense of the distinguished ability, attention and integrity, with which James Monroe, esq., governor of Virginia, has heretofore discharged every duty of his office. Approbation of conduct of James Monroe as governor.

Agreed to by the senate, February 2, 1802.

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY, THE SIXTH DAY OF DECEMBER, ONE THOUSAND EIGHT
HUNDRED AND TWO.

CHAP. 1.—An ACT to appropriate the public revenue, and for other purposes.

(Passed January 23, 1803.)

1. *Be it enacted by the general assembly*, That the taxes and General fund.
arrearages of taxes due prior to the year one thousand seven hun-
dred and ninety-eight, and all other branches of the public revenue,
which arise to the commonwealth, prior to the first day of January
one thousand eight hundred and four, shall constitute a general
fund, and be appropriated in the following manner: for the pay- Appropriation.
ment of the expenses of the general assembly, at their next session,
forty-two thousand dollars; for the officers of civil government, fifty-
eight thousand dollars; for officers of militia, four thousand five
hundred dollars; for expenses of examinations and trials of crimi-
nals in the county and district courts, twenty thousand dollars; for
guards employed over the district and county jails, five thousand
dollars; for slaves executed, eight thousand five hundred dollars;
for slaves transported, four thousand dollars; for the lunatic hospi-
tal in the city of Williamsburg, five thousand five hundred dollars;
for compensation to the commissioners of the revenue, sixteen thou-
sand five hundred dollars; for pensioners, six thousand five hun-
dred dollars; for the public guard in the city of Richmond, sixteen
thousand five hundred dollars; for removing criminals from the dis-
trict jails to the penitentiary, and charges of their confinement,
four thousand dollars; for public warehouses two thousand dollars;
for carrying on the work of the public warehouse on the James
river canal, four thousand dollars; for public services of the clerks
of the district courts, one thousand eight hundred dollars; for inter-
est on public debt, including paper money funded, military certifi-
cates, loans and money paid into the treasury for the payment of
British debts, twenty-eight thousand two hundred and fifty dollars;
for defraying the expenses of representation to congress, three hun-
dred dollars; for the purchase of arms, being the sum remaining

unexpended of the appropriation of last year, to enable the executive to carry into effect a contract heretofore made, twenty-two thousand six hundred and ninety-three dollars and seven cents; for materials, artificers' pay, and other expenses in carrying on the manufactory of arms, forty-five thousand dollars; for collecting and preserving public ordnance, one thousand dollars; for compleating, except the foundery for cannon, the arsenal and manufactory of arms, ten thousand dollars; for the Appomattox company, five hundred dollars; for deficiencies of appropriations of last year, ten thousand dollars; and for the contingent expenses of the government, twelve thousand dollars: *Provided*, That the last mentioned sum shall not include such expenses as may be incurred in repelling invasions and suppressing insurrections, and such other cases as may result from unexpected necessity.

2. *And be it further enacted*, That the executive shall carry on the operations of the warehouse on the James river canal, and compleating the arsenal and manufactory of arms, in such manner as not to expend more than the sums herein before specifically appropriated, and that the establishment of a foundery be suspended during the present year.

Public stock to be sold in aid of the general fund.

3. *And be it further enacted*, That the treasurer of this commonwealth, shall be, and he is hereby authorized and required to sell for the best price he can obtain, the stock of the United States at this time owned by the commonwealth, and the proceeds thereof, shall be placed in the public treasury, and together with the resources herein before mentioned, shall constitute the general fund, subject to the appropriations herein before made: *Provided*, That the six per cent. stock shall not be sold at less than nineteen shillings and six pence in the pound; and the three per cent. at less than ten shillings and nine pence in the pound.

A sum to be paid to Robert Tucker's executors.

4. *Be it further enacted*, That the treasurer be, and he is hereby authorized, on warrant on the auditor, to pay to the executors of Robert Tucker, deceased, on application, the sum of four thousand dollars, in part of the debt due the said Tucker, and that the auditor liquidate the said debt, and report the same to the executive, to be laid before the assembly at their next session.

Commencement.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 2.—An ACT to impose taxes for the support of government.

(Passed January 23, 1803.)

Taxes imposed.

1. *Be it enacted by the general assembly*, That the public taxes for the year one thousand eight hundred and two, shall be as follows, to wit: on lands for every hundred dollars value, agreeably to the equalizing law, forty-eight cents; for every slave above the age of twelve years, except such as have been, or shall be exempted, by reason of age or infirmity, by the respective county or corporation courts, forty-four cents; for every stud horse and jack ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheeled riding carriage, except phaetons and stage waggons, one dollar and twenty-five cents per wheel; for all phaetons and stage waggons, eighty-four cents per wheel; and for every other riding

carriage with two wheels, forty-three cents per wheel; for all lots and houses in town, one dollar and fifty-six cents, on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such house or lot is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by a comparison of its value with other houses or lots actually rented: *Provided*, That the owner or proprietor of any such house or lot, if he thinks himself grieved by such valuation, may appeal to the court by whom the commissioners were appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare on oath or solemn affirmation, what is the amount of the rent paid for the same; and every person so called on, and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, to be made by the commissioners of the revenue, or either of them: *Provided*, That no taxes shall be collected on lands, lots, houses or other property belonging to this commonwealth, or to any county, town, college, houses for divine worship or seminary of learning; every covering horse or jack ass which shall not be duly entered as such, with the commissioners of the tax, and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place at which he shall stand, upon whom it shall be distrainable by the sheriff, as if it had been entered in the commissioner's book, for two-thirds whereof, the sheriff shall be accountable to the public; and in case of failure to pay the same, shall forfeit two hundred dollars, to be recovered with costs, on motion, after ten days notice by the auditor, for the use of the commonwealth: *Provided*, That any person so bringing such horse or ass into the state, entering him with the commissioner within ten days thereafter, and paying the tax to which he would have been liable had he been duly entered to the sheriff or collector, shall be absolved from the said penalty, and the said commissioners shall subjoin the said horse or ass to the list of taxables.

2. *And be it further enacted*, That when any person shall remove any stud horse or jack ass out of the limits of the county or commissioner's district wherein he resides after the ninth day of March in any year, it shall be the duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county into which such horse or ass is so removed, a certificate from the commissioner of the county or district from which such horse or ass is removed, that such horse or ass has been duly entered with such commissioner and the sum at which such horse or ass is entered for the season; every person failing as aforesaid, shall forfeit and pay treble the amount of the sum at which such horse or ass shall cover for the season, to be collected and accounted for by the sheriff on oath, for the use of the commonwealth.

3. *And be it further enacted*, That upon any person's producing Taxes on mer-
chants.
to the commissioners of the revenue, for the county, district or corporation, or to the clerk of the court if there be no commissioner, a receipt for the sum of forty dollars paid to the sheriff or collector, such commissioner shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale

and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time. And if any person shall sell such merchandize either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay one hundred dollars, to be recovered by the commissioner in any court of record, on ten days previous notice, and to be paid to the sheriff for the use of the commonwealth, of which licenses and fines, the commissioners shall annually in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying names, which shall be good evidence whereupon to charge the sheriff or collector: *Provided always*, That if there be no sheriff or collector, the clerk of the court shall have a right to receive the tax to be accounted for in like manner as other taxes by him received, which receipt being produced to the commissioner of the revenue, such commissioner shall grant to such person a license to sell in the same manner as if the money had been paid to the sheriff or collector: *Provided nevertheless*, That not above one tax shall be paid on account of so selling at one and the same store; and if any person shall possess two or more stores, he or she shall pay one tax for each store: *And provided also*, That nothing contained in this, or any other act, shall be so construed as to impose a tax on planters or farmers for selling salt, iron or steel to their neighbours, purchased as a return load for their produce, carried in their waggons or otherwise, to market. All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for and during the term of one year: *Provided*, That if any new store shall be opened on land, between the first day of May, and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year; and its amount shall be specified in the license, and in the commissioner's return.

Proviso.

Construction as to
licenses to hawk-
ers, &c.

4. *And be it further enacted*, That the act concerning hawkers and pedlars, shall be so construed as to make it necessary for each hawker and pedlar to obtain a license, that it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act; and on such report, it shall be the duty of the said court to direct process against all delinquents so reported.

Clerks to record
licenses of hawk-
ers, &c.

5. *And be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandize, shall, in the court of each county in which he offers goods for sale, enter of record his license obtained for vending goods, wares and merchandize, for which he shall pay twenty-five cents to the clerk, and in case of failure, each hawker and pedlar, shall be subject to the same penalty as if he had no such license. The clerk of each court, shall on each court day throughout the year, cause a list of such licenses as are recorded by him, to be stuck up in some public place in the courthouse, expressing when each license was granted, when it will expire, and by what court it was granted, and in case of failure, such clerk, for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners, in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall

be entitled to twenty-five cents, which shall be paid to him out of the public treasury, on warrant of the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid. Clerks of courts shall annually on or before the first day of October, return to the auditor a list of all hawkers' and pedlars' licenses, granted by their respective courts, previous to the first day of September in every year, and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered in the general court, by motion, on ten days previous notice. The clerks of courts shall also, on or before the fifteenth day of December in every year, account on oath to the auditor of public accounts, for all taxes received by them, by virtue of their offices, previous to the first day of September in such year. So much of the act passed at the session of assembly, which commenced in December one thousand seven hundred and ninety-eight, entitled, "*An act to impose certain taxes on law process, and for other purposes,*" as is contrary hereto, shall be, and is hereby repealed.

When clerks shall account for taxes received by them.

Repealing clause.

6. And for the more effectual collection of the taxes as aforesaid, and others which may become due to the commonwealth, *Be it further enacted*, That ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector or notary public, for the purpose of recovering a judgment for any taxes, fines or public dues of any kind, where by law the auditor is authorized to proceed against them, or any of them, by motion. No sheriff or collector, shall at any time be allowed to return any list of insolvents, or have any credit therefor, after twelve months shall have expired from the period of the taxes becoming payable by such sheriff or collector to which such list relates. A commission of five per cent. and no more, shall be allowed the sheriffs and collectors for the collection of taxes on licenses to be granted to merchants under this act, and on license to be granted to hawkers and pedlars, under an act, entitled, "*An act concerning hawkers and pedlars,*" any law to the contrary notwithstanding.

How judgments against sheriffs, &c. may be obtained.

7. A list of all licenses granted to merchants, shall be returned by the commissioner granting the same to the county or corporation courts for their examination, after which the said lists shall be delivered to the said sheriffs or collectors, who shall annually, on or before the first day of October next, after the receipt thereof, account for and pay the same into the public treasury.

Licenses where to be returned.

Sheriffs &c. to collect license tax.

8. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 3.—An ACT concerning constables.

(Passed January 21, 1803.)

1. *Be it enacted by the general assembly*, That the justices in the several counties and corporations within this commonwealth, shall, in the month of June next, or so soon thereafter as shall be convenient, appoint so many fit and proper persons as they may think necessary to serve as constables within the same for the term of two years; and every person so appointed, shall, at the next court to be held for his county or corporation, take the oaths prescribed by law, and enter into bond with two approved securities in the penalty of five hundred dollars, payable to the governor and his successors, with condition that he shall well and truly discharge the duties of the office of constable, in the county or corporation for which he

Justices to appoint constables who shall give bond and security.

has been so appointed; that at the end of every two years, the justices in each county and corporation as aforesaid, shall make a like appointment, and the person so appointed a constable, whether he has before served or not, shall in like manner take the oaths prescribed by law, and enter into bond with security as aforesaid; that in case of the death, resignation or removal of any constable, the justices shall in like manner, make a new appointment, for the purpose of supplying the vacancy, and the person so appointed a constable, shall take the oaths prescribed by law, and enter into bond with security as aforesaid; that every such bond shall be recorded in the court wherein it shall be executed, and may be sued in the same manner as sheriffs' bonds; that if any person so appointed shall perform any of the duties of his office before he takes the oaths and enters into bond as aforesaid, he shall forfeit fifty dollars for the use of the county or corporation in which he resides, to be recovered by action of debt, in the name of the governor for the time being, with costs: *Provided nevertheless*, That nothing herein contained shall be construed to prevent any justice of the peace from appointing any person to act as constable in criminal cases as heretofore.

Their fees.

2. *And be it further enacted*, That the fees of constables shall be as follows: For serving a warrant, thirty cents; for summoning a witness, twenty-one cents; for summoning a coroner's jury and witnesses, three dollars and fifteen cents; for putting in the stocks, twenty-one cents; for whipping a slave, to be paid by the owner, forty-two cents; for serving an attachment returnable before a justice, sixty-three cents; for summoning every garnishee on an attachment, twenty-one cents; for selling property taken by execution or attachment, where the amount does not exceed five dollars, twenty-five cents, and when the amount exceeds that sum, five per centum on the balance, and when the property is not sold, but the money paid to him, the same fees as if sold; for serving an attachment to a county court, against a debtor removing his effects out of the county, sixty-three cents; for serving a warrant of distress, sixty-three cents; for serving attachment for rent accruing and becoming due under any lease or other contract, sixty-three cents; and for every bond taken from the purchaser or purchasers of any property sold under the act directing the sales of property distrained for rent, sixty-three cents; for removing any person suspected to become chargeable to the county, to be paid by the overseers of the poor, for every mile four cents; for carrying any person to jail upon a warrant from a magistrate, for every mile ten cents. Any process of attachment against absconding debtors, or against a tenant or tenants for rent under any lease or other contract, may hereafter be executed and returned by a constable in the same manner as by law sheriffs are directed to execute and return the same.

Penalty for failure of duty.

3. *And be it further enacted*, That if any constable shall fail to pay any money or tobacco received by him by virtue of his office, to the person or persons to whom the same ought to be paid, at the time when by law he ought to pay such money or tobacco, it shall be lawful for any justice of the peace, upon application of any person or persons to whom such money or tobacco ought to have been paid, and upon ten days notice having been given to such constable, to award execution against him for the debt, interest and costs, which ought so to have been paid by him together with legal inte-

rest thereon from the time he ought to have paid the same, notwithstanding the amount thereof shall exceed ten dollars, which execution shall be directed to the sheriff of the county, to be by him served in the same manner as in the case of executions issued against sheriffs for like delinquencies, and directed to coroners.

4. *And be it further enacted*, That the fees allowed by law to constables, and due for services rendered to persons residing out of the county or district, in which such constable hath been appointed, shall be hereafter delivered by them to the sheriff or other officer of the county or corporation, by whom the same shall be collected and accounted for in the same manner as is provided in the case of sheriffs' fees, and in case of failure on the part of such sheriff or other officer, to collect and account for the same, they shall be liable to motion for the same, in the same manner as is provided in the case of other fees, put into their hands for collection: *Provided however*, That nothing herein contained shall be construed to prevent a constable from collecting or distraining for any fees due him within the precinct of the county, for which he is appointed.

How fees may be collected.

5. *And be it further enacted*, That it shall be the duty of every constable levying an execution, to advertise the property taken by him, at some public place in the neighbourhood, at least ten days previous to the sale thereof.

Property taken under execution to be advertised.

6. This act shall commence and be in force from and after the first day of May next.

Commencement.

CHAP. 4.—An ACT to amend the laws heretofore made amending the penal laws of this commonwealth.

(Passed January 28, 1803.)

1. *Be it enacted by the general assembly*, That all murder which shall be perpetrated by means of poison, or by lying in wait, or by duress of imprisonment or confinement, or by starving, or by wilful, malicious and excessive whipping, beating, or other cruel treatment or torture, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery or burglary, shall henceforth be deemed murder in the first degree. And all other kinds of murder shall be deemed murder of the second degree, and the jury, as heretofore, shall ascertain in their verdict whether it be murder in the first or second degree.

Murder, what constitutes the first degree.

Second degree.

2. Whosoever shall voluntarily, maliciously, and of purpose, bite off a nose, ear or lip, or bite off or disable any limb or member of another, with intention in so doing to kill, maim or disfigure such person, every such offender, his or her aiders, abettors and counsellors, shall be sentenced to undergo a confinement in the jail and penitentiary house, for a time, not less than two, nor more than ten years; and shall also pay a fine not exceeding one thousand dollars, three fourths whereof shall be for the use of the party grieved.

Maiming how punished.

3. Whosoever shall wilfully, maliciously, and of purpose, stab or shoot another with intention in so doing, to maim, disfigure, disable or kill such other person, every such offender, his or her aiders, abettors and counsellors, shall be sentenced to undergo a confinement in the jail or penitentiary house, for any time not less than two, nor more than ten years, and shall moreover pay a fine not exceeding one thousand dollars, three fourths whereof shall be for the use of the party grieved.

Party grieved a
lawful witness.

4. *And be it further enacted*, That any party grieved by this act, or under the act passed the fifteenth of December, one thousand seven hundred and ninety-six, entitled, "*An act to amend the penal laws of this commonwealth*," shall be considered a competent witness to prove any offence committed against either of the said acts, or any part thereof.

High treason pun-
ished by death.

5. *And be it further enacted*, That any person who shall be guilty of the crime of high treason, his or her aiders, abettors, counsellors, shall, on conviction thereof, be adjudged a felon, and shall die by hanging by the neck.

Slaves not affect-
ed.

6. This act shall not extend to any case of a slave actually or convicted of any of the offences herein mentioned.

Repealing clause.

7. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Commencement.

8. This act shall commence and be in force from and after the first day of April next.

CHAP. 5.—An ACT to amend the several acts for the establishment of a Mutual assurance society against fire on buildings, and also against goods and furniture in the state of Virginia.

(Passed January 27, 1803.)

Tenants for life,
and orphans' prop-
erty may be in-
sured on certain
conditions.

1. *Be it enacted by the general assembly*, That the Mutual assurance society against fire on buildings of the state of Virginia may insure buildings held by tenants for life, widows in their dower, and by orphans: *Provided*, That the declaration of insurance shall be signed by the tenants for life or widows, or guardians or trustees of such orphans, as the case may be: and such declarations for assurance so signed, shall be binding on such tenants, and the persons who have signed such declarations as their representatives, and particularly on the actual owners of such property, in the same manner as if such declarations had been signed by owners in fee simple of such property, subject, however, to the following provisions, limitations and restrictions: in case such buildings occupied by any tenant for life, shall be destroyed by fire, and no insurance, such tenant for life shall annually share from the society during his or her life, the interest accruing on the sum of the loss insured, and the principal money shall be paid on the death of such tenant for life, to the person or persons entitled to such house or houses in reversion or remainder; in case such buildings be the property of an infant, the principal money shall be paid to the guardian or trustee of such infant.

Property in Alex-
andria may be in-
sured.

2. *Be it further enacted*, That the said Mutual assurance society may insure buildings situate in the county of Alexandria; and the Mutual insurance company against fire on goods and furniture in the state of Virginia, may insure goods and furniture in the county, within the District of Columbia, and such subscribers to insurance shall have the same benefits and rights of recovery as if he, she or they, had been citizens of this commonwealth: *Provided*, That congress pass a law subjecting those who declare themselves members of the aforesaid society and company, or either of them, to the provisions and regulations of the laws of this state, which are already, or may hereafter be passed, concerning the said societies and company.

Commencement.

3. This act shall commence and be in force so soon as congress shall pass a law subjecting the citizens of the county of Alexandria

who shall hereafter subscribe for insurance in the said society and company, to the same mode of recovery in the court of the county of Alexandria, as is now allowed and granted by the laws of this commonwealth against defaulting subscribers residing within this state.

CHAP. 6.—An ACT more effectually to prevent malicious and vexatious suits.

(Passed January 2, 1803.)

1. The more effectually to prevent malicious and vexatious suits, *Be it enacted by the general assembly*, That the several district, county and corporation courts within this commonwealth, shall have power, and are hereby authorized, on good cause to them respectively shewn, to compel the plaintiff or plaintiffs, in all actions of trespass, assault, and battery, and slander, to give security for the payment of costs in such action, and on failure to give such security within a reasonable time, to be fixed on by the court, it shall be lawful for such court, and they are hereby directed to dismiss the same with costs: *Provided*, That nothing herein contained shall be so construed as to prevent poor persons from instituting suits as heretofore.

Plaintiffs to give security.

On failure, suits to be dismissed with costs.

2. This act shall commence and be in force from and after the first day of May next.

CHAP. 7.—An ACT to appropriate a farther sum of money to defray certain expenses incurred in the year 1802.

(Passed December 17, 1803.)

1. *Be it enacted by the general assembly*, That the sum of ten thousand dollars, in addition to the appropriations made by the last general assembly, be appropriated for the payment of all unsatisfied claims against the commonwealth of the following description, viz: For slaves executed and transported; for expenses incurred in the prosecution of criminals in the district and county courts, and conveying them to the penitentiary; for expenses of guards; for commissioners of the revenue; for the manufactory of arms; and for the payment of allowances made to clerks of the district and county courts; which said claims are to be satisfied and paid out of any money unappropriated in the treasury, or out of the surplus of appropriations heretofore made.

Additional appropriation for the year 1802.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 8.—An ACT to compel the attendance of witnesses before a single justice of the peace.

(Passed January 22, 1803.)

1. *Be it enacted by the general assembly*, That when any person who shall be summoned as a witness to attend before any justice of the peace, in any county or corporation within this commonwealth, to give evidence in any matter depending before such justice, shall fail to attend accordingly, not having a reasonable excuse for such failure, such witness shall be fined by the justice by whom the summons was issued, two dollars for the use of the party for whom such witness was summoned; and the witness so failing, shall farther be liable to the action of the party for all damages sustained by his or her non-attendance; but if sufficient cause of his or her inability to attend, be shewn to the said justice at the time he or she ought

Witnesses compelled to attend before a single justice.

Forfeiture for non-attendance.

to have appeared, or at any time within one month after, witness being first served with a copy of the order imposing fine) then no fine shall be incurred by such failure.

Compensation for attending.

2. *And be it further enacted*, That every witness summoned who shall attend to give evidence as aforesaid, and being inhabitant of the same county, shall be paid by the person or persons whose suit the summons issued, twenty-five cents for every attendance upon such summons, and every person residing, summoned out of another county, shall have the said allowance of twenty-five cents per day for attendance and three cents for travelling to the place of attendance, and the same for returning, besides ferriages, to be charged to the person or persons whose request such witness was summoned, which sum shall be taxed in the bill of costs of such suit, and finally recovered of the party who may be cast in such suit: *Provided nevertheless* That the attendance of not more than one witness to each particular fact shall be so taxed. Such witnesses shall be privileged from arrest in all cases except treason, felony and breaches of the peace in the same manner as witnesses attending the courts of the Commonwealth are.

Only one witness to each fact.

Witnesses free from arrest.

Commencement.

3. This act shall be in force from and after the first day of January next.

CHAP. 9.—An ACT for more effectually preventing obstructions to the navigation of fish in James river and its navigable branches.

(Passed January 21, 1803.)

Any obstructions in James river considered a nuisance, except for mills, &c.

1. *Be it enacted by the general assembly*, That it shall be unlawful for any person or persons to erect or fix, or cause to be erected or fixed, on James river, or any of its navigable branches, any dam, hedge, weir, trap, seine, drag, or other stoppage or contrivance whatsoever, by which the free passage of fish in the said river and its navigable branches shall be obstructed; save only for the purpose of a water grist mill, or for the purpose of working some engine useful to the public, in which cases the same shall be had as are directed in and by an act, entitled *"to reduce into one the several acts concerning mills, mills, and other obstructions of water courses;"* and whoso offend shall be deemed guilty of a nuisance. Every free man, or person so offending, or the parent, master, or owner of every child, apprentice, servant or slave so offending, with his or her knowledge, shall forfeit and pay one hundred dollars for every offence. And if any of the obstructions aforesaid, shall be erected or fixed, or caused to be erected or fixed, as aforesaid, the person or persons so offending, shall forfeit and pay fifty dollars for every twelve hours that the same shall be continued.

Who shall be considered guilty under this act.

Penalty.

Purchasers subject to like penalties as original owners.

2. *And be it further enacted*, That where any dam, hedge, weir, seine, drag or other stoppage shall be erected or fixed, or caused to be erected or fixed as aforesaid, on the said river or any of its navigable branches, by any person or persons whomsoever, and any other person or persons shall purchase or procure, the use, benefit or enjoyment thereof, he, she or they, so purchasing or procuring, the use, benefit or enjoyment thereof, shall be deemed equally guilty with the person or persons who erected or fixed, or caused to be erected or fixed the said obstructions or any of them, and shall be subject to the same penalties for every twelve hours

continuance of the said obstructions or any of them, as the person or persons who erected or fixed the same or caused the same to be erected or fixed.

3. And whereas doubts may arise whether this act is intended to apply to any person or persons who shall erect or fix or cause to be erected or fixed, any trap or traps for the purpose of taking or catching fish therein; for the removal of all such doubts, it is hereby enacted and declared, that the erecting or fixing any such trap or traps is a nuisance, which this act is particularly intended to guard against, and any person or persons who shall erect or fix, or cause to be erected or fixed, any such trap or traps in James river or any of its navigable branches, or shall purchase or procure the use, benefit or enjoyment thereof, shall be deemed guilty under this act, and shall be subject to the same penalty or penalties as for the erection or continuance of any of the other obstructions above mentioned.

Traps considered a nuisance particularly.

4. And whereas the particular situation of the falls of James river, commonly called the great falls thereof, and lying between Westham and Rockets landing, affords convenient opportunities to evil-minded persons, in defiance of all the laws heretofore made on this subject, with facility to erect or fix, or cause to be erected or fixed, any or all the obstructions above mentioned, to the great injury of the citizens of this commonwealth residing above the said falls; for remedy whereof, *Be it enacted*, That the executive of this commonwealth be requested and required to employ annually, in the month of February, or as soon thereafter as may be practicable, some fit and discreet person, as surveyor of the said falls, whose duty it shall be, immediately after the first day of March, in each year, and thereafter frequently and as often as occasion may require, between the said first day of March and the last day of May, in each year, to examine the said falls, and to abate, pull down, remove or destroy, or cause to be abated, pulled down, removed or destroyed, all dams, hedges, traps, weirs, seines, drags, or other stoppages and contrivances whatsoever, now erected or fixed in any part of the said falls, or which may hereafter be erected or fixed in any part thereof, whereby the passage of fish may be obstructed within the meaning of this act. And the said surveyor is hereby authorized, empowered and required, to abate, pull down, destroy and remove, any dam, hedge, trap, weir, seine, drag or other stoppage or contrivance, whereby, in his opinion, the passage of fish may be obstructed within the meaning of this act. It shall moreover be the duty of the said surveyor to make strict enquiry concerning all offenders within this act, and to attend the quarterly courts held for the counties of Henrico and Chesterfield, in the months of May and August, annually, and give information thereof, to the grand juries. The said surveyor shall be bound by oath or affirmation, to be administered by some one member of the privy council, that he will faithfully, strictly, and impartially execute all the duties imposed upon him by this act, according to the best of his skill and ability, and that he will not give information to the grand juries, against any person or persons, through hatred, envy or ill will, but from a belief of his, her or their guilt. And the said surveyor shall not be subject to any costs for any information given by him to the grand juries, unless the court shall certify that in their opinion, the information was maliciously made, or without any just

Executive to appoint a surveyor.

His duty specified.

Surveyor to be bound by oath.

Surveyor not subject to costs for any information, unless maliciously given.

Executive to fix his salary to be paid out of any money accruing under this act.

Persons using dams, &c. already erected, subject to a penalty.

How penalties shall be appropriated.

Shad fisheries above the falls to pay a tax.

Seines to be listed with the commissioners.

Dams, &c. may be erected between June and March.

Proviso.

ground to believe the guilt of the person or persons informed against. The said surveyor shall have and receive such compensation for his services, as the executive employing him shall think reasonable, and shall contract to give him, to be paid out of the fund to be raised by the tax or contribution hereinafter levied upon each shad fishery on James river, or any of its navigable branches, above the great falls thereof, above mentioned, or out of any money accruing to the commonwealth under this act.

5. And whereas it is represented to this present general assembly, that there have been heretofore erected or fixed, in James river and its navigable branches, and particularly in the great falls thereof above mentioned, many dams, traps, hedges and other obstructions to the passage of fish; it is hereby enacted and declared, that no person or persons shall, after the first day of March next, exercise or use the said dams, traps, hedges, or other obstructions, or any of them, for the purpose of taking or catching fish; and if any person or persons shall, after the said first day of March next, presume to exercise or use the same or any of them, for the purpose of taking or catching fish, he, she or they so offending, shall forfeit and pay one hundred dollars for every time he, she or they shall so exercise or use the same or any of them.

6. All the penalties imposed by this act, not otherwise directed, shall be, one moiety to the informer, and the other to the use of the commonwealth, recoverable with costs, by action of debt or information. The offenders under this act, may also be presented by the grand juries, and in all cases of conviction on presentment, or by private information, where there shall be no other evidence to convict the offender, but the informer's own oath, the whole penalties shall be to the use of the commonwealth.

7. *And be it further enacted,* That all owners of shad fisheries above the big falls of James river aforesaid, on the said river and its navigable branches, shall pay an annual tax of four dollars, at each seine worked at their fishery or fisheries on James river or any of its navigable branches, except the north branch thereof, where the tax shall be only two dollars; and each owner or proprietor of a fishery or fisheries as aforesaid, shall by himself, his agent or overseer, cause to be listed with the commissioners of the revenue of each county, the number of seines to be used at his, her or their fishery or fisheries, at the same time, and in the same manner, that slaves and other personal estate are listed, to be acted upon and noticed by the commissioner in the same manner; and the tax hereby imposed to be collected and accounted for by the sheriff of each county in the same manner as the tax imposed by law on grown slaves; which said tax shall be a fund for discharging the expenses incurred by the public in executing the provisions of this act, so far as the same may extend.

8. It is, however, enacted and declared that this act shall not be so construed as to extend to the erecting or fixing any dam or trap in James river, or any of its navigable branches, between the first day of June, in each year, and the first day of March succeeding: *Provided,* That the person or persons who shall erect or fix the same, or cause the same to be erected or fixed, or shall purchase or procure the use, benefit, or enjoyment thereof, shall pull down and remove the same on or before the first day of March, in each year. But if any person or persons shall at any time between the first day

of June, in any year, and the first day of March succeeding, erect or fix, or cause to be erected or fixed, any dam or trap in James river, or any of its navigable branches, or shall use or enjoy the same, and shall not pull down and remove the same on or before the first day of March succeeding, the person or persons so failing, shall be subject to the same penalties as herein are before directed, for the erecting, fixing and continuing, any dam, trap, or other obstruction in James river, or any of its navigable branches, after the first day of March, and before the first day of June succeeding.

9. This act shall not be so construed as to extend to any dam which the James river company have heretofore lawfully erected, or may hereafter lawfully erect. James river company not affected.

10. *And be it further enacted*, That nothing in this act contained shall be construed to extend to any part of James river below Rockets landing in the county of Henrico. Not to extend below Rockets landing.

CHAP. 10.—An ACT to pay the officers of the general assembly for their services during the present session.

(Passed January 23, 1803.)

1. *Be it enacted by the general assembly*, That the allowance to the officers for their services during the present session, shall be as followeth, that is to say: to the chaplain, twenty dollars per week; to the clerk of the house of delegates, one hundred and forty-five dollars per week; to the clerk of the senate, seventy-two and a half dollars per week; to the clerk of the committee of propositions and grievances, forty dollars per week; to the clerk of the committee of privileges and elections, and claims, forty dollars per week; to the clerk of the committee of courts of justice, forty dollars per week; to the serjeant at arms to the senate and house of delegates, each thirty-seven dollars per week; to William Drinkard, senr., William Drinkard, junr., Thomas Cole and Philip Courtney, door-keepers to the house of delegates, and to William Hicks and James Pendleton, door-keepers to the senate, each twenty-one dollars per week; and to William Breedlove, former door-keeper to the house of delegates, eight dollars, being the balance due him for his services; to Thomas Nicolson, for printing the journals of the senate, two hundred and seventy-five dollars; and to the person who cleans the capitol, twenty dollars. Compensation allowed to certain officers.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 11.—An ACT more effectually to provide for the payment of taxes upon lands within this commonwealth.

(Passed January 29, 1803.)

1. Whereas numerous inconveniences and losses have accrued to this commonwealth from the want of an adequate mode for the subjection of lands to the payment of taxes; and whereas it is a principle in well organized governments, that property should be holden subservient to the purposes thereof: Preamble.

2. *Be it enacted*, That when the taxes upon any tract or survey of land, shall have remained unpaid for the space of two years, such tract or survey of land shall be forfeited to the commonwealth, and subject to location, according to the terms prescribed by an act, entitled, "*An act for reducing into one the several acts concerning the land office, ascertaining the terms and manner of granting waste*" Land forfeited and subject to a location for non-payment of taxes.

and unappropriated lands, for settling the title and bounds of lands, directing the mode of processioning, and prescribing the duty of surveyors," so far as the said act applies to waste and unappropriated land, and not to forfeit land; and title thereto shall be acquired by the said location, and by the payment of the taxes due upon such tract or survey of land: *Provided nevertheless*, That the tract or survey of land so as aforesaid forfeited, shall be subject to the redemption of the former rightful and proper owner, at any time within one year after such forfeiture shall have accrued, upon the payment of the taxes due thereupon, with interest upon the same from the time they became payable.

How the original owner may redeem land so forfeited.

Auditor to publish this act.

3. *And be it further enacted*, That at any time within six months after the annual return of the list of insolvents or delinquents, for the non-payment of the taxes upon land into his office, the auditor of this commonwealth shall cause this act to be published for three several times in the gazette of the printer of this commonwealth, and in some newspaper of general circulation published at the seat of the general government: *Provided always*, That nothing in this act shall be so construed as to authorize the location of any lands within the purview of this act, before the expiration of the time limited for the redemption thereof: nor to affect the rights of infants, *femes covert*, or persons of unsound mind, until one year after the disabilities shall have ceased.

No location to be made until the time for redemption expires.

Infants, &c excepted.

Appealing clause.

4. All acts and parts of acts within the purview of this act are hereby repealed.

Commencement.

5. This act shall commence and be in force from and after the first day of March next.

CHAP. 12.—An ACT for altering the time of holding elections.

[Passed January 13, 1803.]

Days for holding elections

1. *Be it enacted by the general assembly*, That the elections of the members of the legislature of this commonwealth, and of the members of the house of representatives of the United States, to which this state is entitled, shall be held in the several counties and corporations on their respective court days in the month of April. The meeting of the returning officers conducting the elections of senators, shall be within five days, and of members of congress, within ten days after the last day of said elections, at the courthouse of the county, the name of which is first mentioned in the law describing the district, and the said returning officers shall in all respects be governed by the rules and regulations at present established by law.

Officers conducting elections, where and what time to meet.

A freeholder shall only give one vote in a district for a senator or member of congress.

2. *Be it further enacted*, That no freeholder shall vote more than once for a senator or member of congress in the same district, at any one election.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 13.—An ACT authorizing the several county and corporation courts within this commonwealth to appoint one or more master commissioners for each of the said courts.

(Passed December 22, 1802.)

County and corporation courts to appoint master commissioners.

1. *Be it enacted by the general assembly*, That the several county and corporation courts within this commonwealth shall appoint one or more master commissioners, resident within their county or cor-

poration; and in all cases in chancery therein depending, in which Their duty.
 it may be deemed necessary to refer the accompts of the parties
 litigant to a commissioner, the said courts shall direct one of the
 said commissioners to examine, state, and return the same, with his
 report thereon to the court, and shall cause a reasonable allowance Allowance for ser-
 vices.
 for his services to be taxed in the bill of costs.

2. This act shall commence and be in force from and after the Commencement.
 passing thereof.

CHAP. 14.—An ACT to amend an act, entitled, "An act to impose certain
 taxes on law process, and for other purposes."

(Passed January 14, 1803.)

Whereas it is represented to this general assembly that sundry Preamble.
 notaries public have failed to account for and pay into the treasury
 the money received by them, by virtue of "*An act to impose cer-
 tain taxes on law process, and for other purposes,*" passed the
 twenty-third day of January, one thousand seven hundred and
 ninety-nine, and no remedy is given by the said act by which pay-
 ment can be enforced:

1. *Be it therefore enacted*, That each notary public who has not Time fixed for all
 taxes received by
 notaries public
 previous to 1st
 October last, to
 be accounted for.
 heretofore accounted for and paid into the treasury the amount of
 taxes received by him previous to the first day of October last, shall,
 on or before the first day of October next, account upon oath to the
 auditor of public accounts, for the amount of all taxes received, or
 which ought to have been received by him, by virtue of the above
 recited act, up to the time of accounting, and pay the same into the
 treasury, deducting thereout five per centum for receiving and pay-
 ing the same; and if any notary public shall fail to account for and
 pay the taxes aforesaid according to this act, he shall forfeit and Penalty for failure,
 and how recover-
 ed.
 pay for the use of the commonwealth, the sum of five hundred dol-
 lars, to be recovered by the auditor on motion at the next succeed-
 ing general court, with costs, upon ten days previous notice thereof.

2. *Be it further enacted*, That every notary public shall, upon Time fixed for all
 notaries public to
 account for taxes.
 oath, on or before the first day of October in each year, account for
 the taxes imposed by law on every attestation, protestation, or other
 instruments of publication under his seal of office, received, or
 which ought to have been received by him, to the auditor of public
 accounts, and pay the same into the treasury; and shall be allowed
 the same commissions, and be subject to the same penalties and for-
 feitures, and be proceeded against in the same manner, as are given
 and prescribed by the first section of this act.

3. *Be it further enacted*, That in all cases where it be necessary A person taking a
 false oath before a
 notary public shall
 be considered
 guilty of perjury.
 to the due and legal execution of any writing or document what-
 ever, to be attested, protested, or published, under the seal of his
 office, any notary public may administer an oath, and make certifi-
 cate thereof, which shall have the same effect as if administered and
 certified by a justice of the peace; and any person making a false
 oath before a notary public, shall be guilty of perjury, in like man-
 ner as if the same was made before any justice of the peace of this
 commonwealth, and be subject to the like penalties, forfeitures and
 disabilities, as are prescribed by law in the case of wilful and cor-
 rupt perjury.

CHAP. 15.—An ACT to provide more effectually for the collection of fines for the use of the commonwealth.

(Passed January 12, 1803.)

Clerks of the general and district courts to transmit lists of fines to sheriffs, and likewise to the auditor.

Penalty for neglect of duty, and how recovered and appropriated.

Clerks of the county and corporation courts subject to the same duty, &c., as clerks of the general and district courts.

How fines collected and not paid into the treasury may be recovered.

Clerks to issue writs against delinquents.

Commencement.

1. *Be it enacted by the general assembly*, That if the clerk of the general court, or the clerk of any district court, shall fail to transmit to the sheriffs lists of fines imposed by the said courts to the use of the commonwealth, or to transmit copies thereof to the auditor of public accounts, as now required by law, or if no such fine shall be imposed by such courts within the year preceding the period before which he ought to transmit such lists, and such clerk shall fail to certify to the auditor accordingly, he shall, for every such failure, forfeit and pay one hundred and fifty dollars, to be recovered by the auditor of public accounts on motion in the general court, to be applied to the use of the commonwealth, upon the parties having ten days previous notice of such motion.

2. *And be it further enacted*, That the clerks of the several county and corporation courts, shall annually, before the last day of January, instead of the first of July, transmit to the sheriffs a list of all fines imposed by their respective courts in the year next preceding, to the use of the commonwealth, and certify copies of such lists to the auditor of public accounts; and the said sheriffs shall collect, levy and account for the said fines, in the same manner, and upon the same conditions, and be liable to the same penalties for failure therein, recoverable in like manner, as if they had been imposed by the general court, or a district court.

3. *And be it further enacted*, That all fines heretofore collected by the sheriffs of this commonwealth, or by any attorney prosecuting for the commonwealth, and which shall not be paid into the treasury on or before the first day of January next, shall be recoverable by the auditor, on motion in the general court, in the same manner as is directed by law for the recovery of the public taxes.

4. *And be it further enacted*, That the clerk of any court imposing a fine to the use of the commonwealth, shall, immediately after the term at which such fine was imposed, issue a writ of *fiere facias*, or *capias ad satisfaciendum*, against the defendant or delinquent for the amount of such fine, which execution shall be directed, levied and accounted for as in other cases of executions on behalf of the commonwealth, and in every such case the clerk shall note in his list of fines that execution did issue for such fine or fines.

5. This act shall be in force from the passing thereof.

CHAP. 16.—An ACT to amend the several laws concerning the penitentiary.

(Passed January 29, 1803.)

Courts to appoint trustees for convicts.

Trustees to give security.

Their duty.

1. *Be it enacted by the general assembly of Virginia*, That when any convict shall hereafter be condemned to confinement in the penitentiary, for a term longer than one year, the estate of such convict, if any he hath, both real and personal, shall by the court of the county in which the property lies, be committed to the care and management of some person to be fixed on by the said court, who shall be a trustee for the convict, until his discharge from confinement. The trustee so to be appointed shall give bond and security, to be approved by the court, for taking care of the estate to him committed, and for its re-delivery to the convict on his application, after being discharged from confinement. He shall annually render to the court by whom he shall be appointed, a true account

of all necessary disbursements and expenditures by him made out of the said estate; and shall stand, in every respect, in the same situation as an administrator. He shall be liable to the action or actions of each and all of the creditors of the convict, who may think proper to sue for debts justly due them. He shall be compelled to pay the same, as far as the said estate will go; enjoying the privileges of an administrator as to the preference of his own debt, if any be due him; and shall possess the power of receiving, and recovering by action, when necessary, any debt which may be due the said convict. The said trustee shall allow a sufficient maintenance, out of the estate of the convict, to him committed, for the wife and family of such convict, if any he hath; and in every case the wife shall be entitled to the same proportion of the estate of the convict, as if he had died intestate. The said trustee shall annually retain in his own hands, such compensation out of the estate of the convict as the court who appointed him shall deem reasonable and competent to his services.

2. The wooden enclosure now at the penitentiary, shall be enlarged, so as to accommodate the prisoners in confinement; for which purpose the sum of five hundred dollars shall be appropriated out of any money in the treasury.

The wooden enclosure to be enlarged.

3. All offences, the punishment for which does not by law at present exceed a confinement in the penitentiary for a term of one year, shall be tried in the court of that county wherein such offence was committed; and in order to carry this power more fully into effect, *Be it further enacted*, That the several courts sitting for the examination of persons accused of crimes, shall, if they are of opinion that the party ought to be further prosecuted, and that the offence with which he or she stands charged, is cognizable before the county or corporation courts, by this act, take the recognizance of such person with sufficient security for his or her appearance at the next quarterly term held for such county or corporation, and in case of refusal or inability to give such security, he, she or they shall be committed to prison until discharged by due course of law.

Offences deserving not more than one year's confinement to be tried in county or corporation courts.

4. The mode of trial shall be by indictment found by the grand jury of such county or corporation, according to the rules adopted in the district courts. The sheriff shall immediately thereupon summon twelve good and lawful men, not members of the grand jury, and in every respect qualified as veniremen are directed by law in the said district courts, who shall constitute a jury for the trial of such person. The right of challenge shall be exercised as at present directed by law, in the case of felonies.

Mode of trial described.

5. Persons convicted under this act, shall be punished by stripes on his or her bare back, not less than ten, nor more than forty, for any one offence, or by confinement in the penitentiary house, for a term to be fixed by the verdict of the jury by whom such person shall have been tried, not exceeding twelve months, nor less than six months, at the election of such convict, which election shall be made before the jury retire from the bar. And if any person shall be convicted of a like offence a second time, he shall be sentenced to undergo a confinement in the penitentiary house for a term not less than one nor more than two years.

Convicts to be punished by stripes or confinement at their own election.

6. Sheriffs and other persons employed in transporting criminals, convicted under this act, shall be paid in like manner as those employed in transporting those convicted in the district courts, and

Sheriffs, &c. to receive same compensation for transporting as if

convicted by district courts.

witnesses shall receive like compensation with those attending the examining courts.

Commencement.

7. This act shall be in force from and after the first day of June next.

CHAP. 17.—An ACT to organize the militia of the town of Petersburg.

(Passed January 15, 1803.)

Militia in Petersburg to form one battalion.

1. *Be it enacted by the general assembly*, That the inhabitants of the town of Petersburg, subject to militia duty, shall be formed into, and compose one battalion, and be separated and detached from the militia of the several counties in which any part of the said town is situated, but shall remain attached to the thirty-ninth regiment of militia.

The present officers therein to have command.

2. *And be it further enacted*, That the militia of the said town shall be under the command of the militia officers now residing therein, who may continue to hold their commissions, and to exercise the duties of their respective offices. And if there be not already as many officers residing in the said town as are required by law for the said militia, it shall be the duty of the court of hustings of the said town, and they are hereby required to proceed to recommend to the executive, the officers necessary to complete the said battalion; and the persons so recommended shall be commissioned by the governor, as in the case of other officers of the militia. And all vacancies thereafter happening in the officers of the militia of the said town, shall be supplied by appointment of the governor with advice of the council, on recommendation of the said court of hustings.

Court of hustings to recommend others if necessary.

Vacancies to be supplied by the executive.

3. The militia of the said town shall be under the same rules and regulations as the militia of the different counties, but shall not be compelled to attend company or battalion musters without the limits of the said town.

Militia under like rules as the different counties.

Repealing clause.

4. All acts and parts of acts, coming within the purview of this act, shall be, and are hereby repealed.

CHAP. 18.—An ACT to authorize the county courts of Louisa and Fluvanna to appoint commissioners to ascertain what part of the road, commonly called the Three Notched road, lies in each county, and for other purposes.

(Passed January 4, 1803.)

Preamble.

1. Whereas inconveniences have arisen from the state of certain parts of the road from the city of Richmond to Rockfish gap, commonly called the Three Notched road, on account of its being unascertained in which counties those parts of the road are situate:

Commissioners to be appointed by the county courts, and their duty specified.

2. *Be it therefore enacted*, That on or before the first day of May next, the respective county courts adjoining the parts of the road, situated as aforesaid, shall appoint each two commissioners to ascertain the line of their respective counties, that it may be thereby known through which counties respectively such parts of the road may run, and it shall be the duty of the said commissioners so appointed, to make report to their respective courts within two months after such their several appointments.

Courts to appoint overseers and assign hands to work on the road agreeable to law.

3. *And be it further enacted*, That within two months after the said report so returned, the court of the county to which such return is made, shall appoint an overseer and assign hands to work upon that part of the road referred to in the report of the said

commissioners, according to an act of assembly in such case made and provided.

4. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 19.—An ACT to amend the act, entitled, “An act to establish a guard in the city of Richmond.”

(Passed January 22, 1803.)

1. *Be it enacted by the general assembly*, That for the purpose of holding courts martial for the trial of any commissioned officer, non-commissioned officer, musician or private of the guard established in the city of Richmond, the commanding officer of the militia of the said city shall, upon application to him made by the commanding officer of the said guard, have the like power of summoning out of the militia of his regiment, the officers necessary for holding the said courts martial, as is granted to the lieutenant colonel commandant of the militia of Henrico county, by the act, entitled, “An act to establish a guard in the city of Richmond.”

Courts martial to be composed of officers of the militia.

CHAP. 20.—An ACT concerning the heirs of Peter Francis de Tubeuf, deceased.

(Passed January 21, 1803.)

1. *Be it enacted by the general assembly*, That Francis and Alexander de Tubeuf, surviving heirs of Peter Francis de Tubeuf, deceased, be, and they are hereby allowed to repay by two instalments, the balance, with interest, which may be due of a sum of money advanced by the commonwealth on a loan to the said Peter Francis de Tubeuf in his lifetime, to enable him and certain French emigrants, who came with him into this commonwealth, to settle their lands in the county of Russel; the first instalment to be paid in January one thousand eight hundred and four; the balance in January one thousand eight hundred and five; upon condition that the said Francis and Alexander de Tubeuf shall in six months give any kind of security which the executive may judge sufficient for the payment of the said debt and interest, payable at the periods aforesaid.

Instalments permitted conditionally.

2. This act shall commence and be in force from and after the Commencement passing thereof.

CHAP. 21.—An ACT more effectually to restrain the practice of negroes going at large.

(Passed January 23, 1803.)

1. *Be it enacted by the general assembly*, That from and after the commencement of this act, every free negro or mulatto, who resides in any county in this commonwealth, shall be registered and numbered in a book to be kept for that purpose by the clerk of the court of the said county, which register shall specify the age, name, colour and stature of such free negro or mulatto, together with any apparent mark or scar, on his or her face, head or hands, and in what court he or she was emancipated; or that such negro or mulatto was born free. A copy of the said register, signed by the clerk and attested by one justice of the peace of the county wherein such register shall be made, shall be delivered to the said negro or mulatto, on application, for which copy the clerk may demand and

Free negroes and mulattoes to be registered.

Clerk's fee.

receive twenty-five cents, to be paid by the person receiving the same.

Proviso.

2. *Provided always*, That the clerk shall in no case grant a copy of such register, until the court of the county in which such free negro or mulatto resides, shall have certified that such register has been truly made.

CHAP. 22.—An ACT for the distribution of arms in certain cases.

[Passed January 13, 1803.]

Preamble.

1. Whereas the distribution of arms to certain towns has not been deemed completely adequate to the purpose intended, and the security of the good people requires that some further steps should be taken, to enable them effectually to defend themselves in certain emergencies:

Executive to distribute arms.

2. *Be it therefore enacted*, That the governor, with the advice of the council of state, be, and he is hereby authorized, at his discretion, to arm such volunteer companies, and troops of cavalry, being compleat, as from their particular situation may require it.

Commencement.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 23.—An ACT releasing the right of the commonwealth to the estate of Billy Brown.

(Passed January 6, 1803.)

Preamble.

Whereas it is represented to the general assembly that Robert Brown, formerly of the city of Richmond, did in his lifetime, emancipate two slaves, who, being brother and sister, were afterwards known by the names of Billy Brown and Sally Brown; and did also by his last will, devise and bequeath for their use, certain real and personal estate; and whereas by the death of the said Billy Brown, intestate, unmarried and without issue, a right hath vested in the commonwealth to demand and have the greater part, if not the whole, of the estate of the said Billy Brown, and it is reasonable that the whole thereof should be subjected to the payment of his debts, and that the said Sally Brown should be permitted to inherit and succeed to the surplus in the same manner as if they had both been born free:

Right of the commonwealth relinquished. Trustees.

1. *Be it therefore enacted by the general assembly*, That the rights of the commonwealth in the said estate, real and personal, of the said Billy Brown, shall be hereby vested in James Lyle, James Lyle, the younger, and Richard Goode, as trustees, who, or the survivor of whom, shall sell and convey to the purchaser or purchasers so much of the same as shall be necessary to discharge any incumbrances imposed thereon by the last will of the said Robert Brown in the first place, and the debts contracted by the said Billy Brown in the second; and after these purposes shall be fulfilled, the said trustees, or the survivor of them, shall, in their discretion, sell and convey to the purchaser or purchasers, or hold the remainder of the said estate of the said Billy Brown, for the use and benefit of the said Sally Brown, her heirs, executors, administrators or assigns, saving, however, to all persons, bodies politic and corporate, except the commonwealth, all rights to the said estate of the said Billy Brown, in the same manner as if this act had never been made.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. 24.—An ACT for establishing several towns, and for other purposes.

(Passed January 19, 1803.)

1. *Be it enacted by the general assembly*, That fifty acres of land, the property of Henry Banks, binding on the public canal, in the county of Henrico, so soon as the same shall be laid off into lots with convenient streets, be established a town by the name of Bankford, and that John Harvie, Robert Gamble, Daniel L. Hylton, Gervas Storrs, William Price, register, Richard Adams and Augustine Davis, gentlemen, shall be, and they are hereby appointed trustees thereof. Town of Bankford established.
Trustees.

2. That twenty-eight lots laid off by David S. Garland at a place called New Glasgow in the county of Amherst, be established a town by the name of New Glasgow, and that Samuel Meredith, William S. Crawford, James Franklin, Joseph Burrus, Joel Franklin, Robert Walker, William Moss, Spotswood Garland and Robert Coleman, gentlemen, shall be, and they are hereby appointed trustees thereof; that the freeholders and inhabitants of the said town are hereby bound to keep the streets thereof in good repair, and in consideration thereof shall be exempt from working on any public road or highway. New Glasgow established.
Trustees.

3. That twenty-five acres of land, the property of James Ripley, in the county of Bedford, so soon as the same shall be laid off into lots with convenient streets, shall be established a town, by the name of Peel Brook, and that Henry Buford, John H. Otey, Boys Itson, Thomas Campbell, Isaac Sinclear and Cornelius Noell, junior, gentlemen, shall be, and they are hereby appointed trustees thereof. Peel Brook established.
Trustees.

4. *And be it further enacted*, That the further time of three years, to be computed from the first day of January last past, shall be allowed the owners of lots in the town of Port Conway, in the county of King George, to build upon and save the same, any thing in any law to the contrary notwithstanding. Port Conway, a further time allowed owners of lots to build thereon.

5. *And be it further enacted*, That twenty-five acres of land, the property of Samuel J. Cabell, at the courthouse in the county of Amherst, so soon as the same shall be laid off into lots with convenient streets, shall be established a town, by the name of Cabellsville, and that William Cabell, Robert Reves, Landon Cabell, James Dillard, John Dillard, Charles Watts and John Thompson, gentlemen, shall be, and are hereby appointed trustees thereof. The trustees of the said town, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots. So soon as the purchaser of any lot in the said towns shall erect a dwelling house thereon, equal to twelve feet square, with a brick or stone chimney, such purchaser shall enjoy the same privileges that the freeholders and inhabitants of other towns, not incorporated, hold and enjoy. Vacancies by death, resignation, removal or otherwise, shall be supplied by the remaining trustees, or a majority of them, and the persons so elected shall have the same power as if they had been named in this act. Cabellsville established.
Trustees.

6. This act shall commence and be in force from and after the passing thereof. Enacting clause.

CHAP. 25.—An ACT increasing the rates of ferridge at certain places.

(Passed January 5, 1803.)

Rates of ferridge
as now established
at certain places.
Peter Rising's
ferry.

James Vanbibber's
ferry.

Tho's R. Evans's
ferry.

Penalty for de-
manding greater
rates than are
hereby allowed.

Enacting clause.

1. *Be it enacted by the general assembly*, That instead of the rates heretofore allowed by law at the ferries hereafter mentioned, the rates of ferridge shall be as followeth, that is to say: from the land of Peter Rising at New Port, in the county of Prince William, across the Potowmac river to Brooke's landing in the state of Maryland, the price for a man fifty cents, and for an horse the same; from the land of James Vanbibber in the county of Kanawha, across Ohio river, the price for a man twelve and one half cents, and for an horse the same; from the land of Thomas R. Evans in the county of King William, across Mattaponi river, at the place commonly known and called by the name of Frazer's ferry, the price for a man ten and one half cents, and for an horse the same; the transportation of the following things shall be at the rates following: for every coach, waggon, chariot, and the driver, the same as for six horses; for every four wheeled chaise, phaeton and driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every hoghead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; for every sheep, hog, goat or lamb, one fifth part of the ferridge for one horse. If the ferry keeper at any of the said places shall demand and take from any person greater rates than are hereby allowed, such offender shall forfeit and pay to the party grieved, the ferridge demanded and received, and two dollars, recoverable by warrant.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 26.—An ACT to prevent the building of mill dams across Appomattox river, and for other purposes.

[Passed January 20, 1803.]

Preamble.

Whereas it is represented to this general assembly that the building of mill dams across Appomattox river impedes the navigation, and is calculated to produce great inconvenience and delay to the boats navigating the said stream, even where locks are erected agreeable to law:

Preventing mill
dams.

Courts to have
concurrent juris-
diction.

1. *Be it therefore enacted*, That no court shall hereafter grant leave to any person whatsoever, to build a mill or dam on that part of Appomattox river which lies between Planters Town and the mouth of the canal cut by the Upper Appomattox company.

2. *And be it further enacted*, That the county courts of Amelia, Prince Edward, Cumberland and Powhatan, and the district court at Prince Edward, shall have concurrent jurisdiction over all offences against, or violations of, the several laws, enacted for the purpose of opening and extending the navigation of Appomattox river, where the offence shall be committed, or the penalty incurred, on that part of the river which is between Planters Town and the mouth of Flat creek in the county of Amelia; and where the offence shall be committed, or the penalty incurred, between the said mouth of Flat creek and Petersburg, the county courts of Amelia, Chesterfield, Dinwiddie, and the district court at Petersburg, shall have concurrent jurisdiction.

Enacting clause.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 27.—An ACT raising the salary of the clerk of accounts in the auditor's office.

[Passed January 7, 1803.]

1. *Be it enacted by the general assembly*, That the auditor of public accounts issue a warrant on the treasury for the difference of salary formerly received, and that which was received since the first of January, one thousand eight hundred and two, amounting to fifty-one dollars sixty-six cents, each quarterly payment, to Joseph Jackson, clerk of accounts in the auditor's office; and that the salary of the clerk of accounts be, and the same is hereby raised equal to that received by the first clerk in the said office.

Clerk of accounts' salary raised.

2. This act shall commence and be in force from and after the passing thereof.

Enacting clause.

CHAP. 28.—An ACT changing the time of holding certain quarterly courts in the counties of Augusta and Rockingham, and for other purposes.

[Passed January 3, 1803.]

1. *Be it enacted by the general assembly*, That from and after the first day of April next, a court of quarterly session shall be held in each of the counties of Augusta and Rockingham, in the months of February and October in every year, instead of the months of March and November.

Days of holding quarterly session in Augusta and Rockingham.

2. *And be it further enacted*, That a court for the county of Harrison shall be held by the justices thereof, on the first Monday in each of the months of May and September in every year: *Provided*, That nothing herein contained shall be construed to alter the day of holding courts in the said county of Harrison in any other month whatsoever.

Court days of Harrison.

CHAP. 29.—An ACT providing seals for the district courts.

[Passed January 22, 1803.]

1. *Be it enacted by the general assembly*, That it shall be the duty of the executive, and they are hereby required, to procure or cause to be made, as soon as convenient, a seal of such metal and with such device as they shall think proper, for the use of each district court within this commonwealth, which shall be deposited with the clerk of such court; and on each certificate under every such seal, there shall be paid to the clerk, a tax of one dollar, and a fee to himself of twenty-five cents. And the said clerks shall account for the taxes by them received under this act, in the same manner, and under the same penalties, as for taxes on law process.

Executive to provide seals for the district courts.

Every certificate under such seal to be taxed and accounted for by the clerks.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. 30.—An ACT to amend the laws concerning sheriffs and other officers.

[Passed January 28, 1803.]

1. *Be it enacted by the general assembly*, That if any sheriff or serjeant, shall refuse to account for or pay the whole amount of sheriffs', serjeants' or coroners' fees, put into his hands for collection, after the deduction of six per cent. for collecting, together with an allowance of what is charged to persons not dwelling or having no visible estate in his county or corporation, on or before the last day of May in every year, it shall and may be lawful for the sheriffs, serjeants and coroners, their executors or administrators, in the district court, or in the court of the county of such sheriff, or in the court of the corporation of such serjeant, to demand

How the fees of sheriffs, &c. in the hands of sheriffs and serjeants may be collected.

judgment against such sheriff or serjeant, his executors or administrators, for all fees wherewith he shall be chargeable, and such court is hereby authorized and required to give judgment accordingly, and to award execution thereupon: *Provided*, The sheriff or serjeant, his executors or administrators, have ten days previous notice of such motion.

Statements to be made on executions returned.

2. *Be it enacted*, That all sheriffs, coroners, serjeants of corporations, and constables, shall respectively, in returning all executions by them levied or settled, and the monies thereon received, or any part thereof, make a statement on every such execution of the amount thereof, including their own fees and commissions, and return the same with the execution to the office from whence it issued.

When bail bonds are required, the original instead of a copy, to be returned.

3. *And be it further enacted*, That in all cases where any sheriff or other officer is by law required to return to any court, the copy of a bail bond by him taken, it shall hereafter be lawful for the said sheriff or other officer to return the original bail bond.

Commencement.

4. This act shall be in force from the passing thereof.

CHAP. 31.—An ACT to amend the charter of the city of Richmond.

(Passed January 11, 1803.)

Executive to appoint a committee to divide the city into wards. Freeholders to meet and elect officers.

1. *Be it enacted by the general assembly*, That a committee of five persons be appointed by the executive of this commonwealth, to divide the city of Richmond into three wards. The freeholders and inhabitants of the city, duly qualified by law to vote for common councilmen, shall assemble annually on the first Wednesday in April in the wards in which they reside, and elect eight persons for each ward, who must respectively reside within the limits of the wards which elect them. The persons thus elected, or a majority of them, shall within one week publickly elect by ballot from among themselves, one person to act as mayor, another as recorder, and seven others as aldermen of the said city, (distributing the mayor, recorder and aldermen, equally among the several wards,) and the remaining fifteen of whom shall be a common council. The services of the persons first elected under this law, shall not commence until the day next after the first Tuesday in July 1803, and shall continue only until the day when a new election is by law directed to take place; but in all future cases, their services shall commence from the day of election, and continue for one year; but they may nevertheless be re-elected, except that no person shall be capable of acting as mayor, more than one year in any term of two years. Vacancies occasioned by the death, disability or resignation, during the period for which the said twenty-four persons shall be elected, shall be supplied by the choice of the common council in common hall assembled, that is to say, a vacancy in the office of mayor or recorder, shall be supplied out of the aldermen; a vacancy in the office of aldermen, out of the common council; and a vacancy in the common council, out of the freeholders and inhabitants of the said city, always preserving an equal number of common councilmen and aldermen in the several wards: *Provided*, That the mayor, recorder and aldermen, shall, before they enter on the execution of their respective offices, take the oaths and affirmations required by law.

Commencement and continuance of their services.

Mayor not to act two years successively.

How vacancies shall be supplied.

Mayor, &c. to take an oath.

Acting mayor, &c. to serve until an election is held.

2. *And be it further enacted*, That in case, by any cause, the election of the twenty-four persons to serve as mayor, recorder and aldermen, and common councilmen, should not be holden on the

day prescribed by this act, in that case the election shall take place as soon as possible after the impediment is removed, and in case such cause should exist to prevent the said election, then the persons last acting as mayor, recorder, aldermen and common councilmen, shall continue to hold and exercise their respective offices, until another election takes place, in the same manner that they would have done during the term for which they were elected.

3. *And be it further enacted*, That the division of the city into wards made by the committee, shall be reported to the executive, and recorded in the hustings court of the said city. This division so made, shall remain in force for three years; at the expiration of which time, and triennially afterwards, committees shall be appointed as aforesaid, to make such alterations as may be deemed necessary.

Committee to report the wards to the executive, which shall be recorded and remain three years in force.

4. *And be it further enacted*, That the wards shall be numbered and named by the committee.

Wards to be numbered and named.

5. *And be it further enacted*, That the election by wards shall be conducted in the following manner: the town serjeant shall appoint places (one in each ward,) the most convenient for the electors duly qualified by law to assemble and give their votes *viva voce* for common councilmen and aldermen. The places thus annually appointed by him shall be notified in one of the gazettes of Richmond one month previous to the election; and if unavoidable causes should render a change of either of those places necessary, it shall be the duty of the town serjeant to have such change announced on the day of election by a public cryer. The town serjeant shall hold the election in the ward in which he resides, and shall appoint in writing, one month previous to the election, a deputy in each of the other wards to hold an election therein, who shall be invested for that purpose with the same powers, and restricted by the same disabilities as himself, under the obligation of an oath to be administered by a magistrate. The deputies shall return to the town serjeant the number of votes given to the respective candidates in their wards, which, with the votes given in his own ward, shall be published in some Richmond gazette, and lodged with the clerk of the court of hustings.

How elections shall be conducted.

6. *And be it further enacted*, That in case of the death, resignation, inability to perform the duties, or absence of either or all of the deputies, the town serjeant shall, on the day of election, appoint with similar formalities, a successor or successors to supply the vacancy or vacancies.

Serjeant to appoint successors to deputies when necessary.

7. *And be it further enacted*, That the elections shall be held in all the wards on the same day; but if for any cause the elections shall not be held in either ward on the day prescribed by law, the said serjeant or deputy shall proceed to hold the same as soon as such cause is removed.

Elections to be held the same day in each ward if convenient.

8. *And be it further enacted*, That no elector shall be permitted to vote in any ward but that in which he resides, and if a question arises in what ward he has the right of voting, he shall be permitted to vote on taking an oath, which the officer conducting the election shall administer, or making a solemn affirmation in this form: "*I do swear* (or do solemnly affirm,) *that I do in my conscience believe myself to be a resident of* _____ *ward, No.* _____ *, duly qualified by law to vote for common councilmen and aldermen of the city of Richmond, according to an act, entitled, 'An act to amend the*

Elector to vote only in the ward he resides, and in case of disputes he shall take an oath.

The oath.

Disputed votes to be entered on the poll book separately.

Qualifications of freeholders.

Persons elected to judge of the legality of votes. New election to be held, on the person returned being adjudged disqualified.

Mayor, recorder and aldermen, to hold a court, but shall not serve as common council.

Duty of the common council.

Nine shall constitute a quorum.

Common council to appoint a president, and his duty specified.

charter of the city of Richmond,' of which oath or affirmation a note shall be made in the poll-book opposite to, and referring to, the name of the person swearing or affirming. The making such oath or affirmation falsely shall be perjury: *Provided always*, That the names of electors offering to be polled, but refusing to make such oath or affirmation, shall be entered on the poll-books in separate lists, with the names of the candidates for whom they voted, and shall be added to the poll, if upon a scrutiny the votes be justified.

9. *And be it further enacted*, That the qualifications which entitle the freeholders and inhabitants to vote for, or be elected a common councilman or alderman of the city of Richmond, shall remain unaltered by this law, with only this exception, that the electors and candidates, at the time they respectively give or receive a vote, must be *bona fide* residents of the ward in which the vote is given or received: *Provided always*, and *be it further enacted*, That the freeholders of lots in the said town who do not reside therein, shall be entitled to vote in the respective wards in which their lots may be situated, but no such freeholder shall vote in more than one ward.

10. *And be it further enacted*, That the qualifications of any person or persons elected as aforesaid, shall be adjudged of by the whole number of persons elected, or a majority of them; and if any person returned by the serjeant or his deputies, shall be adjudged disqualified, notice thereof shall be given to the officer of the ward to which such person belonged, who shall forthwith hold another election in manner aforesaid.

11. *And be it further enacted*, That the mayor, recorder and aldermen, shall have power to hold a court of hustings at the same times, and under the same regulations, as are now prescribed by law. The said court to have the same powers and jurisdictions as heretofore, and the said mayor, recorder and aldermen, to have the same rights and powers, and be subject to the same disabilities, as at present exist by law, with this additional restriction, that the mayor, recorder and aldermen, so long as they continue in office, shall never sit or act as members of the common council.

12. *And be it further enacted*, That all the acts heretofore directed by law to be done by the mayor, recorder and aldermen, in common hall assembled, shall in future be done by the common council, who shall possess all the rights and powers before this time exercised by the said common hall as heretofore constituted. They shall be said to be assembled in common hall when nine common councilmen attend, which number at the least, shall be necessary to constitute a quorum, and no bye-law, ordinance or regulation, shall be binding, unless the same shall have been passed by the voices of a majority of the members of the common hall who are present.

13. The members of the common council in common hall assembled, shall elect one of its members to act as president, who shall preside at its meetings and continue in office one year, and when from any cause he shall be absent, they may appoint a president *pro tempore*, who shall preside during the absence of the president. The president of the common council shall sign all ordinances and regulations passed at any meeting when he presides, or if he is not present, such ordinances and regulations shall be signed by the president *pro tempore*. The president of the common council shall have power at any time, to call a meeting of the common hall, and

in case of his absence, sickness or disability, the hall may be convened by the order in writing of any two of the common council, directed to the serjeant.

14. *And be it further declared and enacted*, That the said court of hustings shall have jurisdiction for the space of one mile on the north side of James river, without and round the said city, and every part thereof, including so much of the said river, to low water mark on the shore of the county of Chesterfield, as shall be between two lines drawn due south from the eastern and western terminations of the one mile aforesaid, for matters arising within the same, according to the laws of the commonwealth. Jurisdiction of the court of hustings.

15. *And be it further enacted*, That the different laws heretofore passed relative to the city of Richmond, are no farther repealed by this act, than as they come within the purview hereof. Repealing clause.

16. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 32.—An ACT for establishing several new ferries.

(Passed January 10, 1803.)

1. *Be it enacted by the general assembly*, That public ferries shall be constantly kept at the following places, and the rates for passing the same as followeth, that is to say: from the land of James Howell in the county of Charlotte, across Staunton river to the land of col. William Bentley in the county of Halifax, the price for a man four cents, and for an horse the same; from the land of William M'Donald in the county of Monongalia, across Tyger Valley river, to the opposite shore in the county of Harrison, the price for a man four cents, and for a horse the same; from the land of Andrew Johnson in the county of Monongalia, across Cheat river, the price for a man six and a quarter cents, and for a horse the same; from the land of Thomas Shearer, opposite the mouth of Falling Waters in the county of Berkely, across Potomack river, the price for a man five cents, and for a horse the same; from the land of Levi Boone in Ohio county, across Fishing creek, the price for a man three cents, and for a horse the same; and also from said Boone's land across Ohio river, the price for a man eight cents, and for a horse the same; from the land of William Anglin in the county of Randolph, across Tyger Valley river, the price for a man four cents, and for a horse the same; from the land of Thomas Buffington in the county of Kanawha, across Gyandott river, the price for a man three cents, and for a horse the same. The transportation of the following things shall be at the rates hereafter mentioned, that is to say: for every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every four wheeled chaise, phaeton and driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; for every sheep, hog or goat, one fifth part of the ferriage for one horse, and no more. If the ferry keeper at either of the said places shall demand and take from any person any greater rates for the ferriage of any thing than is hereby allowed, he shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county. Ferries, and rates of ferriage established.
James Howell's ferry.
Wm. M'Donald's ferry.
Andrew Johnson's ferry.
Thomas Shearer's ferry.
Levi Boone's ferry.
Wm. Anglin's ferry.
Tho's Buffington's ferry.
Penalty for demanding greater rates than are hereby allowed.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 33.—An ACT to incorporate the trustees of an academy in the town of Abingdon, and for other purposes.

(Passed January 13, 1803.)

Trustees appointed and incorporated.

1. *Be it enacted by the general assembly*, That John Campbell, Robert Craig, sen., Richard White, Robert Campbell, James Bradley, Gerrard T. Coun, William King, Francis Preston, James White, Claiborne Watkins, Andrew Russell, William Tate, Henry Dixon, Frederick Hamilton and David Campbell, be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of Abingdon Academy," and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, in any court of law or equity.

Their duties.

2. The said trustees and their successors, or a majority of them, by the name aforesaid, shall be capable in law to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels, of what kind soever, which may be purchased by, or devised or given to them, for the use of the said academy; and to lease, rent, sell, or otherwise dispose of the same in such manner as to them shall seem most conducive to the advantage of the said academy.

Trustees to appoint certain officers.

3. The said trustees, or a majority of them, shall have power from time to time, to make and establish such bye-laws, rules and regulations, not contrary to the constitution and laws of this commonwealth, as they may judge necessary for the government of the said academy, and to appoint a president, secretary, tutors, librarian and treasurer, the last of whom shall receive all monies accruing to the said academy, and property delivered to his care, and pay or deliver the same to the order of the said trustees, or a majority of them; and before he enters upon the duties of his office, shall give bond and security in such sum as the said trustees, or a majority of them, shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him, and that he will, when required by the said trustees, or a majority of them, render a true and just account of all monies, goods and chattels, received by him on account of, and for the use of the said academy: the said treasurer shall receive such salary as may be allowed by the trustees, or a majority of them, and if he fails to render, when required, a just and true account of all monies, goods and chattels, which may have come to his hands by virtue of his office, it shall be lawful for the said trustees, or a majority of them, to obtain judgment for the amount or value thereof, by motion in any court of record in this commonwealth against the said treasurer, his executors or administrators, and execution shall thereupon issue in like manner as by law directed against sheriffs for the non-payment of public taxes: *Provided*, That ten days previous notice in writing shall be given the said treasurer, his executors or administrators, of every such motion.

Treasurer to give bond, &c.

How vacancies are to be filled.

4. In case of the death, removal out of the county of Washington, or resignation, or other legal disability, of any one or more of the said trustees, the vacancy or vacancies thereby occasioned, may be supplied by the remaining trustees, or two thirds of them.

5. *And be it further enacted*, That it shall and may be lawful for Lottery autho-
the trustees of the said town, and their successors, or a majority of rized.
them, to raise by lottery or lotteries, a sum not exceeding two thou-
sand dollars, to be applied by them in purchasing a library, philo- For what purpose.
sophical and mathematical apparatus, and any thing else necessary
for the use of the said academy.

6. This act shall be in force from the passing thereof.

Commencement.

CHAP. 34.—An ACT to establish an academy in the county of Albemarle, and
for other purposes.

(Passed January 12, 1803.)

1. *Be it enacted by the general assembly*, That Wilson C. Ni- Trustees appoint-
cholas, Francis Walker, George Divers, John Nicholas, William ed and incorpo-
Wardlow, Thomas M. Randolph, John Carr, Dabney Carr, Peter rated.
Carr, Edward Garland, Samuel Murrell, Charles Everitt, William
D. Meriwether, and Thomas W. Lewis, gentlemen, be, and they
are hereby constituted a body politic and corporate, by the name of
"The Trustees of Albemarle Academy," and by that name shall
have perpetual succession and a common seal.

2. The said trustees and their successors, or a majority of them, Their duties.
by the name aforesaid, shall be capable in law to purchase, receive
and hold to them and their successors forever, any lands, tene-
ments, rents, goods and chattels, of what kind soever, which may
be purchased by, or sold, devised or given to them for the use of
the said academy; and to sell or otherwise dispose of the same in
such manner as to them shall seem most conducive to the advan-
tages of the said academy.

3. The said trustees, by the name aforesaid, may sue and be A majority of trust-
sued, plead and be impleaded, in any court of law or equity; and tees sufficient to
they, or a majority of them, shall have power from time to time, constitute a board.
to make and establish such bye-laws, rules and regulations, not con-
trary to the constitution and laws of this commonwealth, as they
shall judge necessary for the good order and government of the
said academy, and to appoint a president, secretary, tutors, treasur-
er, and other persons necessary for conducting the business of the
institution, erect necessary buildings, and do all other matters and
things which to them shall seem best for promoting the success of
the said institution, and for securing and improving the property
aforesaid. The said trustees, or a majority of them, shall have
power to take and receive subscriptions to the use and for the be- Trustees autho-
nefit of the said academy, and in case any person shall fail to com- rized to open sub-
ply with his or her subscription, to enforce payment thereof, by scriptions.
warrant or motion as the case may require, before a magistrate, or
the court of the county where the delinquent subscriber resides, ten
days notice of such motion being given.

4. All vacancies occasioned by death, removal to the distance of How vacancies
thirty miles from the said academy, resignation or other legal dis- shall be filled.
ability of any of the said trustees, shall be supplied by the choice
of the remaining trustees, or a majority of them.

5. *And be it further enacted*, That it shall and may be lawful Lotteries autho-
for the said trustees and their successors, or a majority of them, to rized.
raise by lottery or lotteries, the sum of three thousand dollars, to be
applied by them towards the erection of buildings necessary for the
said academy.

6. This act shall be in force from the passing thereof.

Commencement.

CHAP. 35.—An ACT to amend the several acts heretofore made, to prevent unlawful gaming.

(Passed January 25, 1803.)

Preamble.

1. Whereas the several laws heretofore made to prevent unlawful gaming have been found extremely beneficial in many respects, yet their salutary effects have in some instances been evaded by the subtily and ingenuity of gamblers, and other disorderly persons, who for the most part make their living by encouraging and promoting gambling: And whereas doubts have arisen concerning the true construction of divers parts of the said laws, and the mode of executing them; and the delays usually permitted in courts in ordinary cases, being often times the means by which the greatest offenders escape from justice, whereby practices greatly tending to the general corruption of the morals of youth and the ruin of private families, have of late greatly increased in divers parts of this commonwealth: For remedy whereof,

How fines shall be collected.

2. *Be it enacted and declared by the general assembly of this commonwealth*, That every fine, forfeiture and penalty imposed, declared, inflicted or incurred, or which may be imposed, declared, inflicted or incurred for the use of the commonwealth, under any act, or part or parts of any act heretofore made, or under this act, or any act which shall or may hereafter be made, for the prevention or discouragement of any kind of unlawful gaming, or for the suppression thereof, shall and may be recovered in any court of record in this commonwealth, upon presentment or indictment by a grand jury, or upon information filed by the attorney for the commonwealth, in any such court, or by action of debt, bill, plaint, or any other legal ways or means whatsoever; and in every such case, no exception shall be admitted or sustained, for any defect or want of form in any presentment, indictment, information or other suit or action whatsoever, which may be brought or instituted on behalf of the commonwealth, or of any person or persons entitled to sue for the same, either on his own behalf, or on the behalf of such person and the commonwealth, but the court before whom any such presentment, indictment, information, suit or action shall be brought, shall proceed to give judgment according to the very right of the case, any former law, custom or usage to the contrary notwithstanding.

Preventing delays in prosecuting offenders.

3. And for the prevention of unnecessary delays in the prosecution of offenders, *Be it further enacted*, That where any presentment or indictment authorized by this or any other act, shall be made by a grand jury, the court wherein the same shall be made, shall immediately order the proper process to bring the offender before them, returnable with all convenient expedition; which process may be directed to the sheriff or other officer, of any county or corporation within this commonwealth, where the offender or offenders may be found, and such sheriff or other officer to whom the same shall be directed, is hereby empowered and required to execute the same and make return thereof to the court from which it issued; and if the defendant being duly summoned, shall fail to appear, and plead to such presentment or indictment immediately, the court shall forthwith proceed to give judgment against him in the same manner as if he had appeared and confessed the charge, or denying it, had been found guilty by the verdict of a jury, and may award execution against him accordingly; but if he shall appear,

and plead not guilty to the presentment or indictment, the court shall without delay proceed to the trial, and render judgment according to the very right of the case as herein before directed; and where upon any rule to shew cause why an information should not be filed by the attorney for the commonwealth, the defendant shall fail to appear and shew cause, pursuant to the notice duly given him, or left at his usual place of abode, in every such case, if the information be thereafter filed, the court may on any day after the day of shewing cause, proceed to give judgment upon such information, in the same manner, as upon a presentment or indictment by a grand jury: *Provided nevertheless*, That if the offender against whom any judgment may be rendered, for want of his appearing to answer the presentment or indictment, or to shew cause against the filing the information, shall at any time during the same term, appear, and surrender himself in custody, or give bail, being ruled so to do by the court, for his appearance when required, and plead not guilty to the presentment, indictment or information, it shall be lawful for the court in every such case, to set aside the judgment against him, and thereupon the court shall without delay, proceed to the trial in the same manner as if he had appeared and pleaded thereto in the first instance, and shall render judgment thereupon according to the very right of the case, without regard to any exception that may be alledged against it.

4. Whenever judgment shall be rendered against any offender by virtue of this act, if he be not present, the court may award a *ca-pias* for the fine, and also to bring the body of the offender before the court, in order to be dealt with as the law directs, which *capias*, may be directed to the sheriff or other officer, of any county or corporation within this commonwealth, where the offender may be found, and such sheriff or other officer, to whom the same shall be directed, is hereby empowered and required, to execute the same, and make return thereof to the court from which it issued; and upon every such *capias*, the sheriff or other officer, shall take good and sufficient bail in a sum not exceeding five hundred dollars, nor less than two hundred dollars, for the appearance of the defendant, on the first day of the next court; and if he shall fail to take such bail, he shall forfeit a sum not exceeding five hundred dollars, to the commonwealth; and if the defendant, being bailed, shall fail to appear accordingly, the bail bond shall be forfeited, and shall immediately be put in suit, and the clerk shall endorse upon the writ, that bail is required.

5. Every fine, penalty and forfeiture, which shall be imposed in any superior court, for the use of the commonwealth, by virtue of this act, or any other act for preventing, discouraging or suppressing gaming, shall be applied to the building, repairing and supporting public jails, clerks' offices and courthouses, for the use of the district courts of this commonwealth, and shall be paid into the treasury for that purpose, by the sheriff or other officer collecting or receiving the same; and every fine, penalty and forfeiture, which shall be imposed in any county or corporation court, on behalf of the commonwealth, shall be one half for the use of the poor of the county or corporation, in which the judgment shall be rendered, and paid to the overseers of the poor; and the other half to the use of the county or corporation, and applied towards lessening the county

Proviso.

How offenders may be brought before the court.

Application of fines.

levy, in such manner as the court of such county or corporation shall direct.

Taverns and tavern keepers defined.

Owners, &c. of taverns deemed owners of all appurtenances unless leased out, and the leaser reside therein.

In case of a fraudulent lease, both the lessor and lessee subject to fine.

Exhibitors of unlawful games to be fined and give security for their good behaviour.

6. And for removing certain doubts which have arisen in the construction of some of the acts, or parts of acts, made for preventing, discouraging and suppressing unlawful gaming, *Be it further enacted and declared*, That every house of entertainment, or public resort, within this commonwealth, whether the same be a licensed tavern or not, shall be deemed and taken to be a tavern, and the owner, master, keeper, or occupier, of every such house, shall be deemed a tavern keeper, within the true intent and meaning of this act, and within the true intent and meaning of all and every act and parts of acts heretofore made, to prevent, discourage or suppress unlawful gaming, and within the true intent and meaning of the act, entitled, "*An act for regulating ordinaries and restraint of tippling houses*;" and the owner, master, keeper or occupier of any tavern, licensed or unlicensed, shall moreover be deemed to be the owner, master, keeper and occupier, of every house, outhouse, booth, arbour, garden and other place, within the curtilage of the principal house, tavern, messuage or tenement, or in any wise appurtenant thereto, or at any time held therewith; and every such house, outhouse, booth, arbour, garden and other place, shall be considered as a part of the tavern, unless the same shall have been *bona fide* leased to some other person by deed, indented and recorded previous to the time of any offence against any act for preventing unlawful gaming, or for regulating ordinaries and restraint of tippling houses, committed therein for a term not less than twelve months from the day of the date of such lease, and for a valuable consideration, *bona fide* paid, or secured to be paid, and unless the leaser and his family shall *bona fide* dwell and board therein and not elsewhere; and if any such lease or pretended lease be made or recorded, and the lessee shall not actually dwell and board himself and his family in the house or premises so demised, or pretended to be demised, or if the lessee shall directly or indirectly board or diet himself elsewhere, every such lease or demise shall be taken to be fraudulent within this act, and both the lessor and lessee, and his assigns, shall be liable to the same pains, penalties, fines, forfeitures and judgments, as if he or they, or either of them were tavern keepers and occupiers of the premises so leased or demised; and judgment against the one, shall be no bar or impediment to a prosecution, judgment and recovery against the other for any offence committed within the same, contrary to the true intent and meaning of this act, or of any other act or acts, or part of any act or acts for preventing, discouraging, or suppressing unlawful gaming.

7. *And be it further enacted*, That every keeper or exhibitor of any billiard table, or of any of the tables commonly called A B C, or E O tables, or farobank, or any other gaming table of the same or like kind, under any denomination whatsoever, or whether the same be played with cards or dice, or in any other manner whatever; and every unlicensed tavern keeper who shall suffer any unlawful gaming upon any part of the premises in his or her occupation, shall, in addition to the penalties which he might or may be subject to, under any former law whatsoever, forfeit and pay one hundred dollars for every offence which he or they may be guilty of against the true intent and meaning of this act, or of any former act, for preventing or discouraging, or suppressing unlawful gaming,

and shall be compelled to give security for his or her good behaviour, in the sum of five hundred dollars or more in the discretion of the court; and if he shall thereafter be guilty of the same or the like offence, it shall be deemed a forfeiture of his recognizance, and he shall be imprisoned without bail or mainprize until the sum in which he may be therein bound, shall be paid, or until he shall be discharged under the several acts for the relief of insolvent debtors.

Second offence punished by imprisonment.

8. *And be it further enacted*, That the superior courts of record shall have the same power of revoking the licenses of tavern keepers in any case of delinquency in permitting unlawful gaming in their houses or taverns, as the county and corporation courts now possess.

Superior courts to have power of revoking licenses.

9. In every case that may arise under any law for the preventing, discouraging or suppressing of gaming, the courts shall interpret them as remedial, and not as penal statutes.

In all cases, courts to interpret them as remedial, and not as penal statutes.

10. And whereas it has been represented to this general assembly, that door-keepers and guards have been employed to prevent, hinder or retard and discourage magistrates and others acting under their authority, from entering houses and places where gamblers and other disorderly persons resort for the purpose of unlawful gaming; or to give notice of the approach of such magistrates, and others acting under their authority, to the persons so unlawfully assembled: *Be it therefore enacted*, That if any person or persons whatsoever, shall hereafter be convicted of any such offence, or of employing, hiring or procuring any person whatsoever to commit any such offence, or of counselling, advising, aiding or abetting any person to commit any such offence, every person so offending, his or her aiders, abettors, advisers, counsellors and procurers, shall be fined at the discretion of the jury by whom he shall be convicted, not exceeding one thousand dollars, nor less than one hundred dollars, according to the degree of his offence, and his estate; or imprisoned not less than one nor more than six months.

Door-keepers, &c. to be fined or imprisoned.

11. All acts or parts of acts in any wise contrary to this act, shall be, and the same are hereby repealed.

Repealing clause.

12. This act shall commence and be in force from the first day of April next.

Commencement.

CHAP. 36.—An ACT to fix the salaries of certain officers.

(Passed January 29, 1803.)

1. *Be it enacted by the general assembly*, That the officers hereafter mentioned, shall be allowed annually the following salaries, to wit: the keeper of the penitentiary house, the sum of one thousand two hundred dollars; the turnkey to the penitentiary house, the sum of two hundred and sixty-six dollars and sixty-six cents; the clerk of the penitentiary house, the sum of six hundred and twenty-five dollars; the door-keeper of the capitol, and of the council, whose duty it is to keep the capitol clean, and obey the orders of the executive, the sum of three hundred dollars; and the keeper of the keys of the capitol, the sum of two hundred dollars; to each of the under clerks in the register's office, five hundred dollars; to the keeper of the public seal, three hundred dollars; to the assistant clerk of the council, one thousand dollars; which several sums shall be paid quarterly out of the treasury, on warrants to be issued by the auditor of public accounts.

Compensation allowed to certain officers.

Salaries of officers
for the manufac-
tory of arms.

2. *And be it further enacted*, That the following officers shall be allowed annually the salaries hereinafter mentioned, to be paid quarterly, and to commence as soon as the executive adjudge that their services are necessary, to wit: the superintendant of the manufactory of arms, the sum of two thousand dollars; the master armourer, the sum of one thousand dollars; the assistant armourer, the sum of one thousand dollars; the clerk to the manufactory of arms, the sum of five hundred dollars; and the commissary and store keeper to the manufactory of arms, the sum of five hundred dollars; which several sums last mentioned, shall be paid in the same manner that the other salaries allowed by this act are paid; that until the last mentioned salaries commence, those who are employed in the armory by the executive shall be paid as heretofore.

Allowance to the
chief clerk in the
absence of the au-
ditor.

3. *And be it further enacted*, That the chief clerk of the auditor's office shall perform the duties of the said auditor in case of sickness; and whenever such case shall occur, the said clerk shall be allowed a compensation for such service at the rate of one hundred and sixty-six dollars and sixty-seven cents per annum, in proportion to the time that he shall be employed therein: *Provided*, That nothing herein contained shall be construed so as to increase the salary of the clerk of accounts in the auditor's office.

Repealing clause.

4. All acts or parts of acts which authorized the executive to fix the salaries of any clerk, shall be, and the same are hereby repealed.

Commencement

5. This act shall be in force from the passing thereof, and shall continue in force until the end of the next session of the general assembly.

CHAP. 37.—An ACT to amend "An act appointing commissioners to fix the place for holding a court for the district composed of the counties of Prince William, Fairfax, Loudon and Fauquier."

(Passed January 14, 1803.)

District court to
be held at Dum-
fries in May 1803.

1. *Be it enacted by the general assembly*, That the court for the judicial district, composed of the counties of Prince William, Fairfax, Loudon and Fauquier, shall commence and be holden at the courthouse of the said district in the town of Dumfries, on the eighteenth day of May, in the year one thousand eight hundred and three, in the same manner as it would or could have been held, had the act, entitled, "*An act appointing commissioners to fix the place for holding a court for the district composed of the counties of Prince William, Fairfax, Loudon and Fauquier*," never passed.

Court to adjourn
until the court in
course to be held
at the Haymarket

2. The said court so to commence in May one thousand eight hundred and three, and all inferior jurisdictions within said district thereafter, shall take all recognizances for appearances at any subsequent term of the said court, by them in the course of judicial proceedings necessary to be taken, to appear at the court to be held for the said district in the courthouse at Haymarket; and at the end of the said ensuing term, the said court shall adjourn to the court in course, to be held in the courthouse of the said district at Haymarket.

Court to be held at
Haymarket.

3. *And be it further enacted*, That from and after the said adjournment, the courthouse, clerk's office and prison at Haymarket, shall be exclusively the courthouse, clerk's office and prison of the said district, and the courts of the said district shall be held there from thenceforth.

4. *Be it further enacted*, That the said clerk shall be at liberty to continue to reside in the town of Dumfries: *Provided nevertheless*, That it shall be his duty, and he is hereby required, within one month after the end of the term aforesaid, to remove his office, with the records and papers of the said court, from Dumfries to the said clerk's office at Haymarket, and keep one or more deputy clerks therein, for the faithful performance of whose duty he shall be responsible.

Clerk may reside in Dumfries on certain conditions.

5. *Be it enacted*, That the sheriff of the county of Prince William is hereby directed to remove, or cause to be removed, on or before the first day of July next, all persons that may be in the jail now used for the district aforesaid in Dumfries, who are or may be committed for any offence to be tried in said court, or for debt under the process of said court, to the jail erected at Haymarket for the use of the said district, which shall henceforth be considered as the proper jail for the said district, to all intents and purposes. The expences attending the removal of prisoners from the said jail in Dumfries to the jail at Haymarket, shall be allowed and paid to the sheriff in the same manner, and to the same amount, as are allowed by law for the removal of a prisoner to the district jail from a county jail.

Sheriff to remove persons confined in the district jail at Dumfries to Haymarket.

Same compensation allowed as removing prisoners from the county to the district jails.

6. And whereas doubts may exist whether the rules held in the clerk's office since the rule day next preceding the eighteenth of October last, be legal: for remedy whereof, *Be it enacted*, That the rules held as aforesaid shall be as valid to every intent and purpose, as if the same had been held literally on the days appointed by law.

Rules held in the clerk's office to be valid.

7. *And be it further enacted*, That all process issued, and all acts by the clerk of the said court done, since the seventeenth day of September, one thousand eight hundred and two, shall be as legal to every intent and purpose, as if the before mentioned act had never been made.

All acts of the clerk since September 1802, shall be legal.

8. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

CHAP. 38.—An ACT to amend the several acts amending the charter of the borough of Norfolk.

(Passed January 27, 1803.)

1. *Be it enacted by the general assembly*, That the court of the borough of Norfolk shall divide the said borough into eight wards, as equal to the population thereof as possible, which wards shall be named and numbered by them; and the division thus made shall remain in force for three years, at the expiration of which time, and triennially afterwards, the said court shall make such alterations as may be necessary. The freeholders and inhabitants of the said borough duly qualified by law to vote for common councilmen, shall assemble on the day already fixed by law, in the wards in which they reside, and between the hours of ten in the forenoon and two in the afternoon, elect two persons for each ward, who must respectively reside and have a freehold within the limits of the wards which elect them, and shall continue in office for one year: *Provided always*, That no person who shall directly or indirectly hold or accept any office through which the public money of the corporation is disbursed, whether the appointment be made by the court or common hall, shall be a member of the common council.

Borough to be divided into wards by the court, and to be numbered and named.

Freeholders to elect two persons in each ward.

Persons excepted.

Court annually to appoint superintendants to conduct elections, who are to take an oath.

Their duty.

No person to vote in more than one ward.

Further duty of superintendants.

How vacancies may be filled.

Who shall judge of persons qualified to vote, &c.

Common councilmen to elect officers, &c.

Duty of the commissioners of the revenue tax.

2. *And be it further enacted*, That the said court of the borough of Norfolk shall annually appoint three persons residing within each ward, (a majority of whom may act,) as superintendants to conduct the elections of common councilmen within the same, for one year thereafter; and the said superintendants of elections shall take an oath faithfully to execute the trust reposed in them; and such of them as shall act in each ward shall appoint convenient places within the same, where elections shall be held; and previous to any election shall give one month's notice of the time and place of holding the same in one of the Norfolk newspapers, and before admitting a person to ballot, shall cause his name to be entered in a poll book to be kept for that purpose, and shall be sole judges of the qualifications of each voter. And so soon as the poll shall be closed, the ballots shall be publickly examined, and the two persons having the greatest number of votes, shall be declared duly elected; but if it shall be found that any two or more have an equal number of votes, the election between them shall be made by lot. No person shall vote in more than one ward, under penalty of ten dollars, to be recovered for the use of the corporation, before any justice of the peace of this commonwealth; and the said superintendants of election shall return the said poll books, with a certificate of their own qualification, and the number of the votes for each person, and of the persons elected, to the court of the said borough, and to the clerk of the common council. And a vacancy in the common council shall be filled by a like election, to be held in the ward where such vacancy may happen. And the qualifications of any person or persons elected as aforesaid, shall be adjudged of by the whole number of persons elected, or a majority of them; and if any person returned shall be adjudged disqualified, notice thereof shall be given to the superintendants of election of the ward to which such person belonged, who shall forthwith hold another election in manner aforesaid.

3. *And be it further enacted*, That the sixteen persons elected members of the common council as aforesaid, shall take the oaths required by law; and when so qualified, and in common hall assembled, they or a majority of them, shall, in the manner already prescribed, elect a president, vice president, a clerk, and such other officers as now are or shall hereafter be permitted by the laws of this state, or the bye-laws of the said corporation, and may perform all such other matters and things as are allowed by law, and are not contrary to this act.

4. *And be it further enacted*, That the commissioner of the revenue tax for the said borough, shall, annually, when making out the list of taxable property, state in a separate column, the number of the ward in which each person subject to taxation, shall reside; but if a freeholder should reside out of the said borough, it shall be so stated in the said list; and he shall furnish the superintendants of election with a copy of the said list, certified as the law requires, before the day of the general election of common councilmen in every year; for which, compensation shall be made to the said commissioner, in the same manner as for other services; which list, after the election is over, shall be returned by them to the clerk of the common council to be filed in his office, for the use and information of the members thereof.

5. *And be it further enacted*, That the different laws here- Repealing clause.
 tofore passed relative to the borough of Norfolk, are no farther
 repealed by this act, than as they come within the purview
 hereof.

6. This act shall commence and be in force from and after the Commencement.
 passing thereof.

CHAP. 39.—An ACT for confirming and establishing the boundary line be-
 tween this state and the state of Tennessee, as ascertained and adjusted by
 certain commissioners.

(Passed January 22, 1803.)

1. Whereas the commissioners appointed to ascertain and adjust Preamble.
 the boundary line between this state and the state of Tennessee, in
 conformity to the resolution passed by the legislature of this state,
 for that purpose, have proceeded to the execution of the said busi-
 ness, and made a report thereof, in the words following, to wit:
 "The commissioners for ascertaining and adjusting the boundary
 line between the states of Virginia and Tennessee, appointed pur-
 suant to public authority on the part of each, namely: General
 Joseph Martin, Creed Taylor and Peter Johnston, for the former;
 and Moses Fisk, general John Sevier and general George Rutledge,
 for the latter, having met at the place previously appointed for that
 purpose, and not uniting, from the general result of their astrono-
 mical observations, to establish either of the former lines called
 Walker's and Henderson's, unanimously agreed, in order to end all
 controversy respecting the subject, to run a due west line equally Line agreed upon.
 distant from both, beginning on the summit of the mountain gene-
 rally known by the name of the White-top mountain, where the
 north-eastern corner of Tennessee terminates, to the top of the
 Cumberland mountain, where the south-western corner of Virginia
 terminates, which is hereby declared to be the true boundary line
 between the said states, and has been accordingly run by Brice
 Martin and Nathan B. Markland, the surveyors duly appointed for
 that purpose, and marked under the directions of the said commis-
 sioners, as will more at large appear by the report of the said sur-
 veyors, hereto annexed, and bearing equal date herewith.

2. The commissioners do further unanimously agree, to recom- Commissioners
 agree to recom-
 mend the passing
 of laws to secure
 titles to lands.
 mend to their respective states, that individuals having claims or
 titles to lands on either side of the said line, as now fixed and
 agreed on, and between the lines aforesaid, shall not in conse-
 quence thereof in any wise be prejudiced or affected thereby;
 and that the legislatures of their respective states should pass
 mutual laws to render all such claims or titles secure to the owners
 thereof.

3. And the said commissioners do further unanimously agree, to Recommending
 laws to confirm
 the acts of offi-
 cers.
 recommend to their states respectively, that reciprocal laws should
 be passed, confirming the acts of all public officers, whether ma-
 gistrates, sheriffs, coroners, surveyors or constables, between the
 said lines, which would have been legal in either of the said
 states, had no difference of opinion existed about the true bound-
 ary line.

4. This agreement shall be of no effect, until ratified by the le- To be ratified by
 the legislature.
 gislatures of the states aforesaid, respectively, and until they shall
 pass mutual laws for the purposes aforesaid. Given under our

hands and seals at William Robertson's near Cumberland gap, December the eighth, eighteen hundred and two.

JOS. MARTIN, (L. S.)

CREED TAYLOR, (L. S.)

PETER JOHNSTON, (L. S.)

JOHN SEVIER, (L. S.)

MOSES FISK, (L. S.)

GEORGE RUTLEDGE, (L. S.)"

Certificate of the
surveyors appointed
to run the line.

5. And whereas Brice Martin and Nathan B. Markland, the surveyors duly appointed to run and mark the said line, have granted their certificate of the execution of their duties, which certificate is in the words following, to wit: "The undersigned surveyors, having been duly appointed to run the boundary line between the states of Virginia and Tennessee, as directed by the commissioners for that purpose, have, agreeably to their orders, run the same, beginning on the summit of the White-top mountain at the termination of the north-eastern corner of the state of Tennessee, a due west course to the top of the Cumberland mountain, where the south-western corner of the state of Virginia terminates, keeping at an equal distance from the lines called Walker's and Henderson's, and have had the new line run as aforesaid, marked with five chops in the form of a diamond, as directed by the said commissioners. Given under our hands and seals, this eighth day of December, eighteen hundred and two.

B. MARTIN, (L. S.)

NAT. B. MARKLAND, (L. S.)"

And it is deemed proper and expedient, that the said boundary line so fixed and ascertained as aforesaid, should be established and confirmed on the part of this commonwealth:

Line as established,
ratified.

6. *Be it therefore enacted by the general assembly of the commonwealth of Virginia*, That the said boundary line between this state and the state of Tennessee, as laid down, fixed and ascertained by the said commissioners above named, in their said report above recited, shall be, and is hereby fully and absolutely, to all intents and purposes whatsoever, ratified, established and confirmed on the part of this commonwealth, as the true, certain and real boundary line between the said states.

Titles to land
granted by N.
Carolina and Ten-
nessee confirmed.

7. All claims or titles to lands derived from the government of North Carolina or Tennessee, which said lands by the adjustment and establishment of the line aforesaid, have fallen into this state, shall remain as secure to the owners thereof, as if derived from the government of Virginia, and shall not be in any wise prejudiced or affected in consequence of the establishment of the said line.

Acts of officers
confirmed.

8. The acts of all public officers, whether magistrates, sheriffs, coroners, surveyors or constables, heretofore done or performed in that portion of territory between the lines called Walker's and Henderson's lines, which has fallen into this state by the adjustment of the present line, and which would have been legal if done or performed in the states of North Carolina or Tennessee, are hereby recognized and confirmed.

Commencement.

9. This act shall commence and be in force from and after the passing of a like law on the part of the state of Tennessee.

CHAP. 40.—An ACT to incorporate a company in the borough of Norfolk, for marine insurances, and other purposes.

(Passed December 18, 1802.)

1. Whereas the insurance of property against those accidents to *Preamble.* which it is liable, has been found highly beneficial in all places where it has been introduced and practised under proper regulations:

2. *Be it therefore enacted by the general assembly,* That a subscription be opened in the borough of Norfolk, under the direction of the following persons, to wit: Thomas Newton, William Pennock, Richard E. Lee, Theoderick Armistead, Moses Myers, John Granberry and Richard Blow, gentlemen, for raising a capital stock of four hundred thousand dollars, in shares of twenty dollars each, and that each person do upon subscribing, pay to the person or persons receiving the same, under the authority of this act, five dollars upon each share so subscribed for, and that the remainder of the said twenty dollars payable upon each share, shall be thereafter called for by the president and directors at such times, and in such proportions as they shall find necessary, giving six weeks notice in one of the newspapers published in the borough of Norfolk, city of Richmond, and towns of Alexandria and Petersburg, of the sum required upon each share, and the time of making such payment; and if any subscriber, his executors, administrators or assigns, shall fail to pay the sum called for upon each share so held by him, her or them, at the time appointed for such payment, every such share shall be forfeited, and all the monies paid thereupon, for the use of the company; and the holder or holders of such share or shares shall moreover be liable for the remaining sums of money payable upon such share or shares, when the same shall be called for by the president and directors; to be recovered by them where the sum called for shall amount to twenty dollars and upwards, by a motion in any court of record within this commonwealth, giving the holder or holders of such share or shares, their executors or administrators, ten days notice of such motion; and where the sum called for shall be less than twenty dollars, by petition or warrant, as the case may be.

Subscription to be opened for 400,000 dollars, in shares of 20 dollars.

How the shares shall be paid.

Shares forfeited unless the sums called for shall be paid.

3. *Be it further enacted,* That every subscriber shall be authorized to vote by himself, his agent or proxy, appointed under his hand and seal, attested by two witnesses, at all elections made by virtue of this act, and shall have as many votes as he holds shares as far as ten shares; and one vote for every five shares which he may hold over ten, as far as fifty other shares; and a vote for every twenty shares which he may hold over every sixty shares. And every stockholder may at pleasure sell and transfer his stock in the company, or any part thereof, not being less than an whole share, the transfer being made in the books of the company, in the presence, and with the approbation of the proprietor or his attorney; the purchaser thereupon to be entitled to all the rights which the original proprietor enjoyed.

How subscribers shall vote.

Holders may transfer their stock.

4. *Be it further enacted,* That as soon as six thousand shares shall be subscribed for, the persons hereby appointed to receive the subscriptions, or any four of them, shall call a meeting of the subscribers in the borough of Norfolk, giving three weeks notice thereof in any three of the newspapers aforesaid, and the subscribers assembled in consequence of such notice, shall choose by ballot from

Directors and president, when and how chosen.

among their body, by a majority of votes then represented, either in person or by proxy, fifteen directors, citizens of this commonwealth, who shall serve until the first day of May then ensuing; on which day, and on the same day in every year thereafter, the stockholders shall by a majority of votes represented as aforesaid, choose fifteen directors, citizens of this commonwealth, who shall serve for one year thereafter, and until nine directors are chosen. And in case of refusal to act, death, resignation or removal out of this commonwealth, of any director before the expiration of the term for which he was chosen, the remaining directors, or any eleven of them, shall elect by ballot from among the stockholders, citizens of this commonwealth, another person to act as director in his place during the remainder of the year. The directors chosen as aforesaid, (or any eleven of them, shall at the first meeting held by them after every general election) which shall be held as soon as may be thereafter, elect by a majority of the members then present, from their own body or the other stockholders, by ballot, a person to act as president, who shall serve for one year, and until the appointment of the new president, after the next succeeding election; and in case of the refusal to act, death, resignation or removal out of this commonwealth of the person so chosen president, before the expiration of the term for which he was so chosen, the directors shall immediately thereupon, in the manner aforesaid, choose another person to act as president during the remainder of the said term; and in every case where one of the directors shall be chosen to act as president, the vacancy thereby created shall be supplied as in the case of refusal to act, death, resignation or removal out of this commonwealth. And in case of the sickness, necessary absence of the president, or inability to attend from any other cause to the duties of his office, the directors, or any eleven of them, shall appoint by a majority of the members present, one of their own body to act as president *pro tempore*, during such time as the president shall not, from any of the causes aforesaid, be able to attend. That a committee of five of the persons hereby authorized to receive the subscriptions, be appointed by that body to superintend the first election of directors, and a committee of five of the stockholders, not being directors, appointed by the board of directors to superintend every succeeding election.

How vacancies shall be supplied.

President *pro tem.* to be appointed in the absence of the president.

Superintendents of election to be appointed.

President and directors of any other company not eligible.

Company incorporated.

How the funds shall be vested.

5. *Be it enacted*, That no president or director of any other insurance company shall be eligible as a president or director of the said company.

6. *Be it enacted*, That all those who shall become subscribers to the company, their successors and assigns, shall be, and they are hereby created a body politic, by the name and stile of the Marine Insurance Company of Norfolk, and shall by that name have succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law or equity within this commonwealth, or elsewhere, and to make and have a common seal, and the same to break, alter or renew at their pleasure, and to ordain and make such bye-laws, ordinances and regulations, as shall appear necessary for regulating the concerns of the company, not being contrary to this act, the constitution and laws of this commonwealth or of the United States; and that the funds of the company, as they shall arise, be vested in the bank stock of Norfolk, or such other stock as the president and directors shall judge most advantageous.



7. *Be it enacted*, That the members of the company shall not be liable for any loss, damage or responsibility in their persons or property, other than the property they have in the capital and funds of the company, to the amount of the shares respectively held by them, and any profits arising therefrom, not divided, except as is hereinafter excepted, that is to say: if the total amount of the debts which the said company shall at any time owe, shall exceed the capital stock hereby allowed, and the undivided profits, the directors under whose administration it shall happen, shall be liable for such excess in their natural and private capacities, and an action of debt may be brought against them, or any of them, their heirs, executors or administrators, in any court of record within this commonwealth, by any creditor or creditors of the said company, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said body politic, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors as may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent to the mayor of the borough of Norfolk for the time being, and to the stockholders at a general meeting, which he or they shall have power to call for that purpose.

How far members shall be liable for losses.

If the debts shall exceed the capital the acting directors to be liable.

Lands, &c. of the company not to be exempted from said excess.

Directors absent or dissenting from creating the excess, not to be liable.

8. *Be it enacted*, That the president and directors, chosen in the manner aforesaid, shall have the disposal, direction and management of those shares, which may not be disposed of at the formation of the company, and all the other concerns of the company; subject, nevertheless, to the control and instructions of the stockholders at their annual meetings; and power to provide a suitable place for an office, and to make all rules and regulations for conducting the business of insurance, and the concerns of the company, not provided for by this act; to appoint a secretary and competent number of clerks, and any other officers they shall find necessary; and to make such compensation for their services as they deem proper; and to allow and pay to the president for the time being, such salary as they shall deem reasonable; which several salaries shall be fixed every year before the appointment of officers; that immediately after the first election of directors, a proper book be provided, and an entry therein made of the names of the several subscribers, and the number of shares by them respectively subscribed for, in which book all transfers made shall be entered; that full entries of all the proceedings of the president and directors shall be made in other books provided for that purpose, which shall at all times be open for the inspection of the stockholders.

Shares not disposed of and other concerns, subject to the control of the president and directors.

Officers to be appointed, and salaries fixed.

Names and shares subscribed for to be entered in a book.

Books of transfers open for the inspection of the stockholders.

9. *Be it enacted*, That a majority of the directors shall form a board, which shall meet once a month, and as often at such other times within the month as the president or board of directors shall judge proper, and shall have full power and authority to make insurances upon vessels and merchandizes by sea or going to sea, and upon any goods, wares or merchandizes, freights or other personal property, gone or going by land or water, and to lend money upon bottomry and respondentia; but the president, or in case of his inability to attend, the president *pro tempore*, and a committee of di-

A majority to form a board of directors.

Their powers.

rectors, composed of such numbers as the board shall direct, not less than three, to be appointed by the president in rotation, shall attend daily at the insurance office, and have full power and authority to make all insurances as herein mentioned, and to lend money upon bottomry and respondentia, and to fix the premiums upon such insurances and loans; that all policies shall be signed by the president, or in case of his inability to attend, by the president *pro tempore*, and countersigned by the secretary; that the president, or president *pro tempore*, and the committee of directors for the time being, shall take approved notes for premiums, with such time of payment as may be determined upon by the board of directors in their general regulations; that all losses arising on any policy so subscribed, shall be adjusted by the president and board of directors agreeable to the terms of the policy, and paid out of the joint funds and property of the company.

A statement of the affairs of the company to be made every six months.

10. *Be it enacted*, That the president and directors do make a full and fair state of the affairs of the company every six months; that they do after the formation of the company make a dividend of so much of the profits of the company as they shall judge advisable, two weeks before the next meeting of the stockholders and election of directors, and every half year thereafter; that all dividends so made and declared be advertised immediately in a newspaper published in Norfolk, and paid ten days after being made: but the monies received as premiums, or risques outstanding and not determined at the time of making such dividends, shall not be considered as a part of the profits of the company; that in case of any loss or losses whereby the capital stock shall be lessened, no subsequent dividend shall be made until a sum equivalent to such diminution, and arising from the profits of the company, shall have been added to the capital.

Dividends to be made and advertised.

11. *Be it enacted*, That in case any action shall be prosecuted upon any policy so subscribed, the same shall be brought against the president subscribing the same, or his successor in office, and all recoveries had in any such action or actions, shall be conclusive on the company, so far as to render the stock of the company liable, and no further.

Actions shall be brought against the president in office.

12. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 41.—An ACT concerning sundry district jails.

(Passed January 27, 1803.)

Executive to appoint commissioners to let the building of jails at certain places.

1. *Be it enacted by the general assembly*, That the executive shall be, and they are hereby authorized to appoint five commissioners within each of the judicial districts of Fredericksburg, King & Queen and Petersburg, who, or a majority of them, shall proceed to let the building of a jail at the place where the courts are now held, of such dimensions and form as they may judge most proper, to the lowest bidder, having previously advertised the time and place where the same shall be done, at each of the county courthouses within the district, at least one month previous to the letting; and after having ascertained the sum for which the said jails may be erected, shall proceed to notify each of the county courts within the district, and the corporation court of Fredericksburg, of the amount thereof; and shall also ascertain in the notification, the proportion to be paid by each county and the corporation of Frede-

A sum to be raised to defray the expenses.

ricksburg, according to the number of tithables therein, and the respective county courts, and the court of the corporation of Fredericksburg, shall at the time directed by law for laying county levies, next ensuing the receipt of the said certificate, levy their several proportions of the expense of the said building, to be paid to the order or orders of the said commissioners, or a majority of them. The person or persons undertaking the said buildings shall enter into bond with sufficient security, in the penalty of five thousand dollars, payable to the said commissioners, or the survivor or survivors of them, with condition for the due and faithful performance of the work according to contract.

Undertakers to give security to comply with their contracts.

2. And whereas the common hall of the town of Petersburg have offered, in behalf of the inhabitants of said town, to finish the courthouse for the use of the district court held in said town, and have also offered to furnish a site for a jail, and to pay half the expense of erecting said jail in such manner, and of such dimensions, as may be prescribed by the commissioners appointed under this act:

Common hall of Petersburg to finish the courthouse for the district; to furnish a site and pay half the expense of the jail.

3. *Be it therefore enacted*, That the collectors of the counties, the district court whereof is now held at Petersburg, shall be authorized and empowered to collect in their several counties, such additional tax as will pay one half the expense of erecting said jail and the expense of collection, so soon as the common hall of the said town of Petersburg shall furnish a site for the said jail, and pay one half of the expense of erecting the same: *Provided*, That nothing herein contained shall be construed to compel the inhabitants of the town of Petersburg to pay any part of the additional tax directed to be collected in the counties composing the said district.

Counties composing the district to pay for the other half of the jail.

4. And whereas it is represented that the county of Brunswick is now building a large and commodious stone jail, which will be appropriated as well to the use of the district as the county:

Brunswick jail to be used, and one half of its cost to be paid for by the district.

5. *Be it therefore enacted*, That one half of the expense of building the said jail, shall be paid by the different counties composing the said district of Brunswick in proportion to the number of tithes in each county, and that a levy for that purpose be laid by the respective courts of the district, on or before thirtieth of September next, the amount of which, after deducting commissions to be allowed the collector, shall be paid to the commissioners who let the jail, for the purpose of executing their contract.

6. *And be it further enacted*, That the commissioners to be appointed by this act, or either of them, may be removed by the executive, and the vacancy occasioned thereby, or by resignation, death or refusal to act, be filled up from time to time, and that for discharging the duties prescribed by this act, they shall be allowed five per cent. commission on the amount received and paid by each of them for the purposes of this act.

Commissioners may be removed and vacancies supplied.

Commission allowed them.

7. *And be it further enacted*, That if either of the said collectors or commissioners shall fail to pay the additional tax or any part thereof, collected or received by him according to the intent and meaning of this act, the amount thereof may be recovered in the case of a collector, in the same manner as the county levies and corporation taxes are now by law recoverable, and in the case of a commissioner, by motion, after ten days notice, in the names of a majority of the commissioners of his district, in the court of his county or corporation.

How money detained by commissioners or collectors may be recovered.

How surplus money shall be applied.

8. *And be it further enacted*, That if any money shall remain in the hands of the said collectors or commissioners, after deducting their commission and paying for the building the prison or jail in their district, in the case of a commissioner, the amount thereof shall be paid to the collectors of the county levy and corporation tax, in proportion to the amount originally paid by the county or corporation, and shall be accounted for by the said collectors, with any other portion of the said additional sums in their hands, under the same regulations by which they are now accountable for the county levy and corporation tax, and shall be applied by the respective county and corporation courts towards lessening the same.

CHAP. 42.—An ACT to establish other inspections of flour.

[Passed January 3, 1803.]

Inspections established.

1. *Be it enacted by the general assembly*, That an inspection of flour shall be, and the same is hereby established at each of the following places, to wit: on the land of Messrs. Ladd and Evans in the county of Charles City; and at Walkertown in the county of King and Queen; and one inspector of flour shall be appointed at each of the said places, by the court of the county wherein the same shall be situated, in the same manner, and under the like rules and regulations as are prescribed by law in the cases of other inspections of flour within this commonwealth.

Commencement.

2. This act shall be in force from the passing thereof.

CHAP. 43.—An ACT to amend an act, entitled, “an act to authorize a lottery for the benefit of the sufferers by fire in the town of Lexington.”

(Passed December 30, 1802.)

Preamble.

1. Whereas it has been represented to this general assembly that the act, entitled, “*An act to authorize a lottery for the benefit of the sufferers by fire in the town of Lexington*,” passed November 19th, 1796, has not been carried into operation, by reason of the neglect or refusal to act of the trustees therein mentioned:

Repealing clause.

2. *Be it therefore enacted*, That so much of the said act as relates to the appointment of the trustees therein mentioned, be, and the same is hereby repealed.

New appointment of trustees.

3. *And be it further enacted*, That Andrew Alexander, Thos. S. McClelland, Philip Grymes, Andrew Moore, Jno. Caulter, Wm. H. Cabell, David S. Garland, Jas. Caruthers, John Leyburn, James McDowell, William Wilson and William Caruthers, gentlemen, be appointed trustees, who, or a majority of them, are hereby authorized and empowered to carry into full effect the said above mentioned act.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 44.—An ACT allowing a further time to the owners of lots in the town of Danville to build upon the same.

(Passed December 31, 1803.)

Further time allowed owners of lots to build thereon.

1. *Be it enacted by the general assembly*, That the owners of lots in the town of Danville, in the county of Pittsylvania, shall be allowed the further time of three years from and after the first day of January 1803, to build upon and save the same.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 45.—An ACT concerning the towns of Lewisburg, Jerusalem and Clarksburg.

(Passed January 3, 1803.)

1. *Be it enacted by the general assembly*, That the further time of ten years to be computed from the first day of January, 1803, shall be allowed the owners of lots in the town of Lewisburg in the county of Greenbrier; and the further time of ten years to be computed from the seventh day of December 1801, to the owners of lots in the town of Jerusalem in the county of Southampton, to build upon and save the said lots: *Provided*, That nothing herein contained shall in any manner affect any rights which may have been acquired by others, from the neglect of the owners of any of the said lots to build thereon within the time heretofore prescribed by law.

Further time allowed owners of lots in certain towns to build thereupon.

Proviso.

2. *And be it further enacted*, That all acts and parts of acts, that require the owners of lots in the town of Clarksburg in the county of Harrison, to build upon the same within a limited time, shall be and are hereby repealed, and such lots shall not be liable to forfeiture; any law to the contrary notwithstanding.

Owners of lots in Clarksburg exempt from forfeiture.

3. This act shall be in force from the passing thereof.

Commencement.

CHAP. 46.—An ACT to incorporate trustees in the lower parish of Nansemond for the purposes therein mentioned.

(Passed January 10, 1803.)

1. *Be it enacted by the general assembly*, That all the free white male inhabitants of lawful age, who have their residence within the ancient and well known bounds of Yeates's free schools and other donations in the lower parish of the county of Nansemond, on the south side of Nansemond river, are hereby required to meet at the upper school house, within the said bounds, on Easter Monday next, and on the Easter Monday in every third year thereafter, and by a fair and impartial open poll, to be held for that purpose, elect twelve discreet men, being freeholders residing within the aforesaid bounds, to act as trustees for and during the term of three years, to conduct and manage all the donations and every of the property thereof, so far as it relates to the schools and poor within the said bounds; and that they be constituted a body politic and corporate, by the name of "The Trustees of all the donations, and of Yeates's Free Schools, in the lower parish of Nansemond, on the south side of Nansemond river," and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity.

Freemen to elect trustees.

Trustees incorporated.

2. The said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold any lands, tenements, rents, goods or chattels, which shall be given, conveyed or devised to them for the use of the said schools or poor, within the bounds aforesaid, and to apply the same in such manner as to them shall seem most beneficial.

Trustees empowered to purchase lands, &c. and receive donations.

3. The said trustees or any seven of them, shall have power from time to time to make and establish such bye-laws, rules and ordinances, not contrary to the laws and constitution of this commonwealth, as they shall judge necessary and proper for the good government of the said schools and poor, and to appoint a president, secretary, treasurer and tutors.

Trustees to make bye-laws and appoint officers.

Treasurer to give bond and security.

4. The treasurer, before he enters upon the duties of his office, shall give bond and security in such sum as the trustees shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him; and that he will, when required by the said trustees, render a true and just account of all monies, goods and chattels, received by him on account of, and for the use of the said schools and poor; and the said treasurer shall receive all monies and other property delivered to his care accruing to the said schools and poor, and shall pay and deliver the same to the order of the said trustees.

Trustees to fix the salary of treasurer.

5. The said treasurer shall receive such salary as may be allowed by the trustees, and if he fails to render, when required, a just and true account of monies, goods and chattels, which have come to his hands, by virtue of his office, it shall be lawful for the said trustees to obtain judgment for the amount or value thereof, by motion in any court of record within this commonwealth, against the said treasurer and his securities or any one of them, his or their executors or administrators, and execution shall thereupon issue in like manner as by law directed against sheriffs for the non-payment of public taxes: *Provided however*, That ten days previous notice shall be given of every such motion.

Treasurer responsible for failure of duty.

How vacancies shall be filled.

6. In case of the death, resignation or other legal disability of any of the trustees, the vacancy thereby occasioned shall be supplied by an election of the people within the bounds aforesaid, for which purpose, the president of the trustees aforesaid, shall appoint a convenient time and place.

Judges of elections appointed.

7. *And be it further enacted*, That James Buxton, Edward Brown, William Jorden, and Theophilus Pugh, or any two of them, be, and they are hereby appointed judges of the election which shall take place on Easter Monday next, and that the president for the time being, of the said board of trustees, shall triennially thereafter superintend the said elections.

Commencement.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 47.—An ACT for opening a turnpike across the South mountain.

(Passed January 12, 1803.)

Preamble.

1. Whereas it hath been represented to this general assembly that the opening a waggon road from the county of Rockbridge over the South mountain, to the county of Amherst, will be of public utility; and whereas it hath been further represented that the only practicable method of opening the same will be by the establishment of a turnpike:

Commissioners appointed with their powers and duties.

2. *Be it therefore enacted*, That James M'Dowell, William Moore and John Wilson, gentlemen, of the county of Rockbridge, and David S. Garland, Joel Franklin and John Canbden, gentlemen, of the county of Amherst, be, and they are hereby appointed commissioners, who, or a majority of them, are hereby empowered and directed to mark out and let to the lowest bidder the opening of a turnpike road from such place in the said county of Rockbridge, across the South mountain, to such place in the county of Amherst, as they shall agree on, the said commissioners having first given three months previous notice at the courthouses of Rockbridge and Amherst, of the time and place of letting such road: *Provided however*, That the rates of tollage on the said turnpike

Rates of toll established.

shall not exceed eight cents for a man and horse, and four cents for every additional horse; for every waggon or four wheeled carriage fifty cents; for every two wheeled carriage, thirty-four cents; for every head of neat cattle, two cents; for every sheep, hog and goat, one cent; and the rates of tollage agreed upon by the original contract may be received by the person, his heirs or assigns, undertaking the opening of the said turnpike so soon as the said commissioners shall have deposited in the hands of the said undertaker their certificate that the road is compleated agreeably to their contract. If the said undertaker, his heirs or assigns, shall charge any tolls upon the said road before the said certificate of the commissioners shall be deposited in his hands, or after the same shall be deposited, shall charge any higher rates or rate of tollage than those agreed upon, he or they shall, for every such offence, forfeit and pay to the party grieved the tolls so received, and the further sum of two dollars, to be recovered by warrant before a single magistrate of either of the before mentioned counties.

Penalty for demanding tolls before authorized, or higher rates than are allowed.

3. *And be it further enacted*, That there shall be one place only of receiving the tolls upon the said turnpike, which shall be established agreeably to the direction of the commissioners aforesaid; and that if any toll or tolls shall be demanded at any other place than that so directed by the said commissioners, the owner of the turnpike shall, for every such offence, incur the same forfeiture and penalty as is prescribed in the preceding clause of this act.

Owner liable if tolls are demanded in more than one place.

4. *And be it further enacted*, That the proprietor of the said turnpike, his heirs or assigns, shall, for neglecting to keep the same in repair, be subject to the like fines and penalties, as are or shall be prescribed by the law of this state, against the surveyors of public roads, guilty of a like neglect: *Provided always*, That nothing herein contained shall be construed to authorize the proprietor of the said road to receive toll from any person going to or from mill.

Proprietor subject to fine in like manner as surveyors of roads.

5. *And be it further enacted*, That in any case where the said road shall lead through the lands of persons who may be unwilling to suffer it to pass through the same, it shall and may be lawful for the person who may contract for the opening thereof, upon application to the court of the county in which the land may lie, to procure a writ of *ad quod damnum*, to be executed as in other cases of opening roads, under the general road law, and shall pay the damages assessed by the jury to the person affected thereby, before he shall be permitted to open the same, and the costs of the said inquest.

Writs of *ad quod damnum* allowed as in other cases.

6. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 48.—An ACT concerning the town of Portsmouth.

(Passed January 4, 1803.)

1. *Be it enacted by the general assembly*, That the trustees of the town of Portsmouth, or a majority of them and their successors, shall lease out for ninety-nine years, renewable forever, a part of the lot of land number eighty, which was given to the said town by William Crawford for a market, which part is bounded as followeth, to wit: beginning at a corner on High street, forty feet from the intersection of High street and Court street; and running thence southerly one hundred and thirteen feet, thence easterly one hundred and forty feet, thence northerly along John Drinane's line one

Trustees to lease out part of the market lot.

hundred and thirteen feet to High street, thence westerly on High street one hundred and forty feet to the beginning; giving one month's previous notice in one of the Norfolk newspapers.

Terms of lease.

2. *And be it further enacted*, That the said trustees, or a majority of them and their successors, shall let or lease out at public auction the said land, in four equal lots or parcels, and convey the same to the purchaser or purchasers, subject to the following terms, to wit: the ground rent to be paid half yearly or annually, as the said trustees, or a majority of them and their successors, shall determine; and if the ground rent be not punctually paid in any term of twelve months, then the said trustees, or a majority of them and their successors, may at their option, either pursue the modes heretofore established for the recovery of rents, or re-enter on the demised premises, and again lease out and convey the same in the manner before described, giving one month's previous notice in one of the newspapers published at Norfolk; and if the unexpired interest in the land shall sell for a greater sum than is due to the said lessee, then the said surplus, after deducting the expences of the said sale, shall be paid to the original lessee, his heirs or assigns; and if the same shall be sold for a less sum than shall be due, adding the said expences of sale, then the said lessee or his assigns, shall pay the remainder to the said trustees or their successors, to be recovered before any justice of the peace or court of record within this commonwealth.

How the product of rents shall be applied.

3. *And be it further enacted*, That the rents produced by the said land shall be applied by the said trustees, or a majority of them and their successors, towards improving or paving the streets of the said town of Portsmouth.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

CHAP. 49.—An ACT enlarging the towns of Berryville, Abingdon and Staunton.

[Passed January 10, 1803.]

Berryville enlarged.

1. *Be it enacted by the general assembly*, That twenty-five acres of land, the property of Charles Smith, lying on the east side of the town of Berryville in the county of Frederick, and on both sides of the main road leading to Alexandria, so soon as the same shall be laid off into lots of half an acre each, with convenient streets, shall be added to and made a part of the said town of Berryville. That all the land late the property of David Craig and Robert Craig, junior, as now laid off into lots and streets, as far to the west of the town of Abingdon in the county of Washington, as the cross street adjoining the lot No. 16, and including the back lots to the said cross street, shall be added to and made a part of the said town of Abingdon.

Abingdon enlarged.

Staunton enlarged.

2. *And be it further enacted*, That seventeen acres of land, the property of Archibald Stuart, adjoining the town of Staunton, on the north side thereof, already laid off into lots and streets, shall be added to and made a part of the said town of Staunton, so soon as a connected plat thereof shall be duly recorded according to law in the court of Augusta county, or in the district court holden at Staunton.

Owners of lots added to Berryville and Abingdon

3. The purchasers of lots hereby added to the said towns of Berryville and Abingdon, so soon as they shall build upon and save the

same according to the conditions of their respective deeds of conveyance, shall be entitled to, and have and enjoy the same rights, privileges and immunities, that the other freeholders and inhabitants of the said towns have and enjoy.

4. This act shall be in force from the passing thereof.

Commencement.

CHAP. 50.—An ACT for extending the limits of the town of Portsmouth.

(Passed January 7, 1803.)

1. *Be it enacted by the general assembly*, That the trustees of the town of Portsmouth are hereby authorized to extend the limits of the said town to Chesnut street as now marked out.

Limits extended.

2. The trustees of the said town, or a majority of them, are empowered to make such rules, orders and regulations for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of lots. So soon as the owners of any lot, or part of a lot within the said town shall have built a dwelling house thereon, equal to sixteen feet square, with a brick or stone chimney, such owner shall have and enjoy the same privileges and immunities, which the freeholders and inhabitants of other towns, not incorporated, hold and enjoy: *Provided*, That nothing in this act contained shall be construed, as in any manner to affect, without their concurrence, the proprietors of the land between Effingham street and Chesnut street, for the term of ten years.

Power of trustees.

Privileges of freeholders and inhabitants.

Proviso.

CHAP. 51.—An ACT to establish a draw-bridge over the eastern branch of Elizabeth river, within the county of Norfolk, and for other purposes.

(Passed January 5, 1803.)

1. *Be it enacted by the general assembly*, That a subscription be opened in the borough of Norfolk, for fifteen thousand dollars, in shares of twenty dollars each, for the purpose of erecting a toll draw-bridge across the eastern branch of Elizabeth river, from the land of Maximilian Herbert to the end of a wharf, to be run six hundred feet in the said river, from the upper end of the main street of the said borough, pursuing the course of the said street as it now runs. And that such subscription be taken under the direction of Thomas Newton, Richard E. Lee, James Taylor, Edward Archer, Richard Blow, Miles King, John K. Read, Robert Brough, Thomas H. Parker, James Holt, Edward Johnston, John E. Holt, William Cammack, John Hancock, Thomas Blanchard, William Newsum, John Brown, William White, Maximilian Herbert and James Callis.

Subscriptions to be opened in shares of 20 dollars.

Persons appointed to receive subscriptions.

2. *And be it further enacted*, That the sums subscribed as aforesaid, shall be paid in the manner following, viz: Every subscriber at the time of subscribing shall pay five dollars for each share by him subscribed, to the person or persons appointed by this act to take in subscriptions, and the remaining fifteen dollars shall be paid to the president and directors of the said bridge, elected agreeable to this act, in such proportions and at such times, as they shall from time to time require, of which requisition or requisitions due notice shall be given, for three weeks, in one of the Norfolk newspapers; and if any subscriber shall fail to make any of the future payments so required, his share or shares shall be sold at public auction by the directors and conveyed to the purchaser, and if the amount of sales shall exceed the sum required, after deducting the expense of

How subscriptions shall be paid.

In case of non-payment of proportion called upon for, subscribers to forfeit their shares.

the sale, the surplus shall be repaid to the original subscriber, his heirs, assigns or lawful attorney; and if the said sales shall not produce a sum sufficient to discharge the balance due after deducting expenses as aforesaid, the deficiency shall be paid by the holder, and on default thereof, the said president and directors, on ten days previous notice, shall recover the same before any justice of the peace or court of record within this commonwealth.

How subscribers shall vote.

3. *And be it further enacted*, That every subscriber or holder of a share or shares, shall be entitled to vote by himself, his agent or proxy appointed under his hand, and acknowledged before two witnesses, at all elections in virtue of this act, and shall have as many votes as he has shares, as far as ten shares, and one vote for every five shares thereafter; but such agent or proxy shall be a member of the company.

So soon as subscriptions are closed commissioners to notify the same.

Subscribers to be incorporated.

4. *And be it further enacted*, That so soon as the subscriptions shall be closed, the commissioners above named to take subscriptions, or such of them as shall act, shall certify under their hands the names of the subscribers and the number of shares subscribed by each person to the clerk of the court of Norfolk county, and thereupon, the said subscribers, their heirs or assigns, shall be, and are hereby created into and made a body politic and corporate, in deed and in law, by the name and stile of "*The Norfolk Draw-Bridge Company*," and by that name shall have succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, or otherwise, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and the same to sell, grant, demise, alien and dispose of; and may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity within this commonwealth or elsewhere; and may do and execute every other matter and thing, that a corporation or body politic may lawfully do.

New subscriptions to be opened if found necessary.

Commissioners to call a general meeting so soon as three hundred shares are subscribed for.

Officers and directors to be chosen by ballot from among the shareholders.

How vacancies shall be filled.

5. *And be it further enacted*, That so soon as three hundred shares shall be subscribed, the persons hereby empowered to take subscriptions, or any seven of them may call a general meeting of the subscribers at Norfolk, of which three weeks notice shall be given in one of the newspapers published in Norfolk; and the subscribers or their proxies, assembled in consequence of such notice, shall choose by ballot from among the subscribers or holders of shares, one president, four directors, one treasurer, and such other officers as they shall think necessary, to conduct the business of the company for one year, and until the end of the next general meeting of the company, or an election shall be made; and on the second Monday in January in every succeeding year a like election shall be made; and in case of refusal, death, resignation, disqualification, or removal out of this commonwealth of the president or any director, the remaining directors shall, at their next meeting thereafter, elect by ballot, another person qualified as aforesaid to supply such vacancy for the residue of the term for which he was

elected. And every person elected as aforesaid, shall, previous to entering on the duties of his office, take an oath before a magistrate of this commonwealth faithfully to discharge the said duties; a certificate of which oath shall by the board of directors be filed among the papers belonging to the company; and the treasurer shall give bond with two or more sufficient securities for the faithful discharge of the duties of his office; which bond shall be made payable to the president and directors, for the time being, and their successors.

Treasurer to give bond and security.

6. *And be it further enacted*, That the said company shall meet on the second Monday in January in every year, at such place as shall be appointed, and at such other times as they shall be summoned to attend by the president and directors, of which three weeks notice shall be given in one of the Norfolk newspapers, at which annual or special general meetings they shall have full power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the commonwealth, or of the United States, as shall be necessary for the regulation of the affairs of the said company: and in case a general meeting should not take place on the day appointed for the annual election of the president, directors and other officers, such election may be made at a called meeting of the company: and the officers so elected shall remain in office, until the end of the next annual general meeting.

Annual meetings to be held or oftener if necessary.

How business shall be transacted at general meetings.

In certain case president and directors may be appointed at a called meeting.

7. *And be it further enacted*, That every subscriber or holder of a share or shares, may sell and transfer the same or any part thereof, not being less than one complete share, in writing under his or her hand and seal, in the presence of two witnesses; and the transfer of the same being either acknowledged by the party making the same, or proved by two witnesses before the board of directors, or before any justice of the peace of any county, or mayor, recorder or alderman of any city or borough within this commonwealth, shall be registered in a book to be kept by the company for that purpose, and when registered, shall be delivered without fee to the purchaser, who shall then, and not before, be entitled to all the rights, which the original subscriber or former proprietor enjoyed.

Holders of shares may transfer the same and in what manner.

8. *And be it further enacted*, That the said president and directors, any three of whom shall make a board, shall meet as often as the business of the company shall require, shall keep minutes of their transactions fairly entered in a book, shall have full power and authority to make all contracts and agreements, and to draw orders on the treasurer for all monies necessary to fulfil their contracts, and to pay the salaries or wages of the officers and persons employed, in the service of the company; which orders shall be signed by the presiding member of the board, and countersigned by their clerk; and generally to do and transact all such other acts and things as the by-laws, rules, orders and regulations of the company shall permit. And no president or director shall be entitled to any emolument, unless the same shall have been allowed by a majority of the shareholders, at a general meeting; and none but a member of the company being resident within the county or borough of Norfolk shall be eligible as a president or director.

Who shall constitute a board.

Their powers.

President and directors to receive no emolument unless allowed by a majority of votes at a general meeting.

Who are eligible as president and directors.

President, &c. may collect materials for building.

9. *And be it further enacted*, That it shall and may be lawful to and for the president and directors, by and with their superintendants, engineers, artists, workmen and labourers, with their tools,

instruments, carts, waggons and other carriages, and beasts of draft or burden, to enter upon the lands, near to which the rout and tract of the said intended bridge shall pass, first giving notice to the owners thereof, or their representatives, and to dig, take and carry away any large stone, gravel, sand or earth, most conveniently situated for making and repairing the said bridge or the road leading thereto, the damages of which shall be fixed by arbitrators indifferently chosen, or if they cannot agree, then to be appointed by any justice of the peace for the county of Norfolk not interested on either side; which damages, when so ascertained, shall be paid by the president and directors to the party aggrieved.

How damages may be assessed and paid for by the company.

Plan of the bridge.

10. And the said president, directors and company shall have power to erect the said draw-bridge over the Eastern branch of Elizabeth river, in the direction from and to the lands before described; and shall cause a road to be laid out, sixty feet wide, with ditches four feet wide, and three feet deep, on either side, and the earth thrown into an arch in the middle, from the south end of the said bridge, running in a straight line for one mile at the least, and intersecting the main road leading from Washington to the Great Bridge; and the toll-bridge so to be erected, shall not be less than thirty-five, nor more than sixty feet in width, with a foot-way and strong railing on both sides, and shall be so constructed that a part thereof not less than twenty-four feet in width may be drawn up, so as to permit small vessels to pass, without expence, at any time between the rising and setting of the sun.

When tolls shall be demanded.

11. *And be it further enacted*, That so soon as the said bridge shall be erected and rendered passable as aforesaid, the same shall be and is hereby vested in the said subscribers their heirs and assigns, and that the company may then appoint so many toll-gatherers as they shall think proper, to collect and receive the tolls or rates for the passage of any person or thing over the said bridge; which tolls or rates shall be the same as are now established by law for the passage of any person or thing across Elizabeth river from Norfolk to Portsmouth. And if a greater sum shall be demanded or taken from any person for the carriage or toll, than is allowed by this act; or if any person shall be impeded, obstructed or injured in consequence of his passage across the said bridge, he, she, or they, may recover against the company, before any magistrate of the said county or borough, the amount of the damage so sustained, and a fine of two dollars for every such impediment, obstruction or improper exaction; and for the information of travellers the president and directors of the said company, shall cause to be fixed and always kept up at the toll-gate a printed list of the rates of tolls which may be lawfully demanded, under penalty of five dollars for every day the same shall be omitted or neglected, to be recovered by warrant before any justice of the peace of Norfolk county or any alderman of the borough of Norfolk, to the use of the person who will sue for the same.

Rates of toll established.

Penalty for demanding greater rates than are hereby allowed.

How damages and fines may be recovered.

Printed list of the rates of tolls to be stuck up at the gates.

Fine in case of failure.

President and directors to keep accounts of all monies received and expended, and submit the same to a general meeting at least once in each year.

12. *And be it further enacted*, That the president and directors of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking on account of their several subscriptions, and of all monies to be expended in the prosecution of their said work; and shall at least once in every year submit such accounts to a general meeting of the stockholders.

13. And whenever the capital stock of the said company shall be nearly expended, and it shall be found that the said capital stock will not be sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president, directors and company, at a stated or special meeting to be convened according to the provisions of this act, or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares, in like manner and under the like penalties as are herein before provided for the original subscriptions, or as shall be provided by their bye-laws.

When necessary it shall be lawful to raise money by new subscriptions, admitting the new subscribers to same rights as the original ones.

14. *And be it further enacted*, That the said president, directors and company shall also keep a just and true account of all the monies to be received by their several and respective collectors of tolls, and shall make a dividend of the clear profits and income thereof; all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall, on the second Monday in January and July in every year, publish the half yearly dividend to be made of the clear profits among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be done accordingly.

President and directors to keep separate accounts for each toll-gatherer. Clear profits to be divided.

Time of paying dividends.

15. *And be it further enacted*, That the said president and directors shall, at the end of every third year from the date of the incorporation, lay before the county court of Norfolk, an abstract of their accounts, shewing the whole amount of their capital expended in the prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end, that the clear annual income and profits thereof may be ascertained and known; which abstract and accounts shall be rendered under the penalty of five thousand dollars for every failure, to be recovered before any court of record by action of debt, indictment or information, one half to the use of the commonwealth, and the other half to the informer; and if at the end of three years after the said bridge shall be completed from the beginning to the end thereof, it shall appear from the average profits of the said three years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, directors and company to increase the tolls herein before mentioned so much upon each and every allowance, as will raise the dividend up to six per centum per annum; and the said increase of tolls shall again be taken off so soon as the dividend shall exceed fifteen per centum per annum, and at the end of every three years they shall render to the said county court of Norfolk a like abstract of their accounts for the three preceding years, and if at the end of any such triennial period, it shall appear from such abstract that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the tolls herein before mentioned shall be lessened so much upon each and every allowance as will reduce the dividend to fifteen per centum per annum.

President and directors to render triennially a just account of monies received and disbursed for the inspection of the court of Norfolk county.

Penalty for failure.

When rates of toll shall be raised.

When to be lessened.

16. *And be it further enacted*, That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure,

Line of conduct to be pursued by passengers.

Penalty for misbehaviour and how recovered.

Other toll bridges allowed to be built.

How funds shall be raised for that purpose.

Proviso.

A new company or companies may be raised for erecting other toll bridges.

New company or companies allowed the same privileges as the former one.

Commencement.

Road to be widened and part to be used as a summer way.

using the said bridge, shall, except when passing by a carriage of slower draft, keep their horses and carriages on the right hand side of the said bridge in passing direction, leaving the other side of the road free and clear for other carriages to pass and re-pass; and if any driver shall offend against this provision, he shall forfeit and pay two dollars to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any justice of the peace of the county, or any alderman of the borough of Norfolk.

17. *And be it further enacted*, That it shall and may be lawful for the said company, if they shall think proper so to do, to cause one or more toll-bridge or bridges, not less than twenty-four feet in width, with a strong railing on both sides, and if necessary with a part thereof to draw up so as to permit small vessels to pass free of expense, to be erected across the southern branch of Elizabeth river in the county of Norfolk, at any place not lower down the said branch than Whidden's Mill Point; also across the western branch of the said Elizabeth river; and also across Broad creek which is a fork of the eastern branch of the said Elizabeth river, upon the same terms, to increase their stock by new shares, in the same manner, to receive the same tolls, and to be subject to the like penalties and conditions as are prescribed by this act for erecting a draw-bridge across the eastern branch of Elizabeth river: *Provided nevertheless*, That the consent and approbation of the owners of the land on each side of the river, where any bridge shall be intended to pass, shall be first obtained either by purchase or other agreement.

18. And if the said company shall not choose to build the said bridge or bridges, a separate company may be established for each bridge or any number of them; and subscriptions may and shall be opened by the aforesaid commissioners or any seven of them, who shall pursue the same measures as is prescribed by this act, for the establishment of the aforesaid draw-bridge.

19. And the said company or companies when formed as aforesaid, may and shall adopt such name or names as a majority of the members of the first general meeting shall choose, and shall elect the same number of officers, receive the same tolls, increase their stock, possess the same advantages, and be subject to like conditions and penalties as is prescribed by this act for erecting a draw-bridge across the eastern branch of the said Elizabeth river.

20. This act shall commence and be in force from and after the passing thereof.

CHAP. 52.—An ACT to amend the act, entitled, "An act to incorporate a company for establishing a turnpike road from the intersection of Duke street, in the town of Alexandria, with the south-west line of the district of Columbia, to the ford of Little river, where the turnpike road now crosses it."

(Passed January 19, 1803.)

1. *Be it enacted by the general assembly*, That the road by the above recited act directed to be made, shall be widened to the breadth of fifty feet, twenty feet of which shall be made and improved in the manner by the said act directed, and the residue improved and kept in a proper state of repair, as a summer road, for the use of horse and foot passengers at all times of the year; and that a sufficient ditch be cut on each side of the said road, as by

the said act is directed; that no waggon, nor any kind of carriage, after any ten miles of the said road are finished (which and every ten miles of the same shall be called a section or sections) and after a toll-gate is established for the receipt of tolls, shall travel on said summer road from and after the last day of October, to the first day of May following, in any year, and at no time of the year when the ground shall be rendered soft by rain; and that no waggon or any other carriage of four wheels at any time, shall travel on the said artificial part of said road, between the first day of December, and the first day of May following, in any year, with more than two and a half tons weight therein, where the width of the wheels of said waggon or carriage does not exceed four inches, and at no season of the year with more than three tons; and where the wheels exceed that width, and roll above seven inches, with more than three tons, between the first day of December and the first day of May following, and at no season of the year with more than four tons; and where the wheels exceed seven inches, and roll twelve inches, with more than four tons, between the first day of December and the first day of May following, and at no season of the year with more than five tons; and that carts and all kinds of two wheeled carriages shall be regulated as to burthen and width of their wheels, in the same proportion and ratio of those of four wheels above specified; and any owner or driver of any waggon, cart or carriage, offending against this act, in any or either case above specified, shall forfeit for such offence, five dollars, to be recovered before any justice of the peace of this commonwealth; and it shall be lawful for any agent or representative of the said company, with, or without a civil officer, having a warrant for that purpose, to compel such owner or driver, so offending, to appear before the next justice of the peace, who shall examine into the said transaction, and if such owner or driver be found guilty of a breach of this act, such justice shall give judgment against him or them, for the said five dollars with costs, and have him or them confined until the same is paid; except in case of a slave, and in that case the judgment shall be forwarded to the sheriff of the county in which the master of said slave resides, to be collected for the use of said company, and the said slave dismissed; and it shall be lawful for said company to erect scales at any toll-gate, on said road, and on reasonable suspicion, that any waggon, cart or other carriage, contains therein a larger weight, than by the owner or driver represented, the company or their agent, may prevent any such carriage from passing through said toll-gate, until he unloads the same, and the exact weight be ascertained by said scales. And if any toll-gatherer shall unreasonably delay any traveller or passenger at any of the gates, or shall demand and receive more toll than is by law allowed, or shall injure the load in any waggon or other carriage, under pretence of ascertaining the weight thereof, he shall, for every such offence, forfeit and pay a sum not exceeding five dollars, to be recovered before any justice of the peace in the county where such offence is committed, for the use of the person so delayed, defrauded or injured, and moreover be subject to the action of the party grieved.

2. *And be it further enacted,* That if any person or persons, owning, riding in, or driving, any carriage of any kind, or leading, riding or driving any horses, sheep, hogs, or any kind of cattle

To be laid off in sections, and waggons prohibited in certain cases from using said summer road.

Carriages regulated as to burthen.

Offenders to be fined five dollars for exceeding the limited burthen.

Masters to pay fines incurred by their slaves.

Scales may be erected at any toll-gate to ascertain the weight contained in carriages.

Persons detained or overcharged may recover damages from toll-gatherers.

Persons evading the payment of tolls subject to a penalty.

whatever, on said road, shall pass through any private gate, bars, or fence, or over any private way or passage, or pass through any toll-gate, under any pretended privilege or exemption to which he or they are not entitled, or do any act or thing with intent to lessen, or to evade the tolls for passing through the gates established under this, or the before recited act, such person or persons for every such offence, shall forfeit to the said company, not less than three nor more than ten dollars, to be recovered before any justice of the peace, with costs; which forfeitures shall be regulated in all respects, by the mode and manner specified for the recovery of fines and forfeitures in the first section of this act.

Carriages in passing to keep the right hand side.

Failure, how punished.

President and directors may increase the stock.

3. *And be it further enacted*, That all drivers of every kind of carriage, using said road, except in the passing of a carriage of slower draft, shall keep their horses and carriages to the right hand side of said road, in the act of the passing direction, leaving the other side free and clear for such other carriages to pass by them, or to repass; and any driver offending against this provision, shall forfeit and pay two dollars, with costs, to be recovered by warrant, before any justice of the peace, where the offender is or shall be apprehended, by any person so offended, except such offender be a slave, in that case, he shall be punished by stripes, on his bare back, not exceeding ten, at the discretion of the said justice of the peace, unless the said fine be immediately paid.

4. *Be it further enacted*, That it shall be lawful for the president and directors, with a majority of the stockholders then present, at any regular convened meeting, to increase their capital, by creating such additional shares from time to time, as shall be sufficient in their judgment to finish and compleat said road, so that the whole amount of such additional shares, so created under this act, shall not exceed fifty thousand dollars; and that if any stockholder of a share or shares, already, or which shall hereafter be subscribed, shall fail to pay any call made upon him or them by the president and directors of said company, or a majority of them, for a proportion of his or their subscription, for the space of twenty days, after the day limited for payment, it shall and may be lawful for the said president and directors, by their agent or attorney, to recover the same of every such delinquent, by motion in the court of the county where such delinquent resides; and the said company are hereby released from giving any notification in the Washington and Georgetown gazettes, of any special or annual meeting, or of any other act of the company.

President and directors to lay an abstract of their accounts before the executive at the completion of the said road.

5. *And be it further enacted*, That the president and directors of the said company shall, at the end of one year after the whole of the said road shall be compleated, lay before the executive of this commonwealth an abstract of their accounts, shewing the whole amount of their capital stock expended, and of the income arising from the toll for and during the said year, with an exact account of the charges of keeping the said road in repair, and other contingent costs and charges, to the end that the clear annual income and profits may be known, and so in like manner at the end of every three years thereafter; and if, at the end of the first year after the said road shall be compleated, or of any three years thereafter, it shall appear that the income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock so expended, then it shall be lawful for the president and directors of the said com-

Tolls to be increased unless the dividends amount to six per cent., but not to exceed ten per cent.

pany to increase the tolls by the said act allowed, so much upon each and every allowance thereof as will raise the dividends up to six per centum per annum: *Provided*, That the nett income and profits shall at no time exceed ten per centum per annum. And it shall be lawful for the president and directors of the said company to make such bye-laws and regulations, not inconsistent with the constitution and laws of this commonwealth, or of the United States, as they shall judge necessary for well ordering and conducting the affairs of the said company.

President and directors empowered to make bye-laws.

6. *And be it further enacted*, That the president and directors of the said company shall cause to be affixed at every toll gate a printed list of the rates of tolls, which from time to time may be lawfully demanded, for the information of travellers using said road; and that it shall be lawful for said president and directors, if they consider the interest of the company and general good require it, to farm, demise and let, any section or part, or the whole of said road, with their tolls and privileges for a time not exceeding two years, on satisfactory security, to any person or persons in their judgment proper for the trust, who shall thereafter enjoy and have similar power and authority to punish offences against this act, as are hereby granted to the company in the first section of the same, for and during their tenure of such section or part thereof; and the county courts of Loudoun and Fairfax shall be, and they are hereby required to appoint overseers, and to allot the male labouring tithables residing within three miles of the road already established, to work thereon until the turnpike road from Alexandria to the ford of Little river is finished, not exceeding six days in any one year, under such penalties as are imposed on persons neglecting or refusing to work on other roads.

Rate of tolls to be affixed at every gate.

President and directors empowered to let any part or the whole of said road for a term not exceeding two years.

County courts of Loudoun and Fairfax to appoint overseers, and persons residing within three miles of said road to work thereon.

7. This act shall be in force from the passing thereof.

Commencement.

CHAP. 53.—An ACT for altering the court day of the hustings court of the city of Williamsburg.

(Passed January 20, 1803.)

1. *Be it enacted*, That the court of hustings for the city of Williamsburg, shall in future be held on the fourth Monday in every month, instead of the first Monday, any law to the contrary notwithstanding.

Day for holding hustings court altered.

2. This act shall commence and be in force from and after the first day of February next.

Commencement.

CHAP. 54.—An ACT authorizing the judges of the district courts to make an additional allowance to the commonwealth's attornies in the said courts.

(Passed January 21, 1803.)

1. *Be it enacted by the general assembly*, That the respective district courts of this commonwealth shall be, and they are hereby authorized to make to the attornies prosecuting for the commonwealth in such courts, such allowances for their services therein as the said courts shall think reasonable, not exceeding one hundred dollars per annum, which allowances the said attornies shall be entitled to receive in addition to the salaries now allowed them by law.

A further allowance to commonwealth's attornies.

CHAP. 55.—An ACT authorizing the court of Monongalia county to appoint persons to solemnize marriages in the said county.

(Passed December 20, 1802.)

Persons to be appointed to solemnize the rites of marriage in Monongalia county.

1. *Be it enacted by the general assembly*, That the court of the county of Monongalia may and shall appoint two persons, being actual residents of the said county, with full power and authority to celebrate the rites of matrimony therein; and in case of death, inability to act, or removal out of the county, of either of the persons so appointed, it shall be lawful for the said court to supply the vacancy thereby occasioned. And the person so appointed shall have the same powers as the one originally appointed.

Their qualifications, duties, &c.

2. Every person appointed as aforesaid shall be qualified in like manner, discharge the like duties, be subject to the like penalties for breach thereof, recoverable in like manner, and shall be entitled to the same fees, as are directed and prescribed in the acts of assembly for regulating the solemnization of marriages.

Commencement.

3. This act shall be in force from the passing thereof.

CHAP. 56.—An ACT remitting damages to William Crawford.

(Passed January 10, 1803.)

Damages remitted.

1. *Be it enacted by the general assembly*, That the damages on a judgment obtained in the general court, amounting to forty-one dollars and seventy-seven cents, for failing to collect the revenue tax of the county of Bath, for the year one thousand eight hundred, be, and the same are hereby remitted to William Crawford, collector of the revenue tax for the said county, for the year aforesaid.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 57.—An ACT increasing the reward for killing wolves in the counties of Madison, Patrick, Harrison, Rockingham and Culpeper.

(Passed January 19, 1803.)

Sums allowed.

1. *Be it enacted by the general assembly*, That every person who shall kill or destroy any wolf above the age of six months in the counties of Madison, Patrick, Harrison, Rockingham and Culpeper, shall receive a reward of six dollars; and for every wolf under the age of six months, to be adjudged by the justice before whom the scalp or scalps shall be brought, a reward of three dollars; which several sums shall be levied and paid in the same manner as is prescribed in other cases under the act passed the twenty-eighth day of January, one thousand seven hundred and ninety-eight, entitled, "*An act to increase the reward for killing wolves*;" and the person or persons claiming such reward, as well as the justices allowing the same, shall in all respects do and perform what is required in similar cases by the act aforesaid.

How paid.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 58.—An ACT staying proceedings against and allowing further time to James Primm to collect the taxes due for the county of Stafford for the year 1801.

(Passed January 14, 1803.)

Preamble.

1. Whereas it appears that James Primm, collector of the revenue tax for the county of Stafford, due for the year one thousand eight hundred and one, was prevented from collecting the said taxes in

consequence of the extreme ill health of himself, and his deputies, and the appointment of a new sheriff four months before his time expired :

2. *Be it therefore enacted by the general assembly*, That the said James Primm, collector of the taxes for the county of Stafford, due for the year one thousand eight hundred and one, shall be allowed until the first day of June next to collect the same ; and all proceedings against him as collector of the revenue tax due for the year and county aforesaid, shall be, and the same are hereby suspended until the time aforesaid.

Further time allowed Jas. Primm to collect taxes due for the year 1801, and proceedings against him suspended.

3. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 59.—An ACT for the collection of certain taxes and officers' fees for the benefit of Mary Watts.

(Passed January 12, 1803.)

1. *Be it enacted by the general assembly*, That the court of Dinwiddie county shall be, and they are hereby authorized, upon the recommendation of Mary Watts, administratrix of Wm. Watts, deceased, to appoint one or more person or persons, with power, for the space of one year thereafter, to collect and distrain for such taxes and officers' fees, and other arrearages due in the said county of Dinwiddie, as the said William Watts, who was sheriff of the said county for the year one thousand seven hundred and ninety-three, was bound to collect, but were not collected by him or either of his deputies. And the person or persons so appointed, shall account for and pay to the said Mary Watts, her heirs, executors or administrators, the amount of such collections: *Provided*, That such person or persons so to be appointed to make the said collection, shall, before he proceeds therein, take an oath before the said court, faithfully to collect and account for the said taxes and fees.

Court to appoint persons to collect the arrearages.

When collected how the money to be applied.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 60.—An ACT for removing the clerk's office in the county of Isle of Wight.

(Passed January 4, 1803.)

1. *Be it enacted by the general assembly*, That so soon as Francis Boylin shall cause to be erected at the courthouse of the county of Isle of Wight a convenient house of brick, covered with tile, lead or slate, according to the directions of the act, entitled, "*An act to reduce into one all acts and parts of acts respecting county and corporation clerks*," the clerk's office for the said county shall be thenceforward kept therein, any law to the contrary notwithstanding.

When and where the clerk's office shall be removed.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 61.—An ACT allowing Joseph Parker a certain sum of money annually.

(Passed January 8, 1803.)

1. *Be it enacted by the general assembly*, That the auditor of public accounts shall, and is hereby authorized and required, to issue a warrant on the public treasury for sixty dollars, to Joseph

Sum allowed.

Parker, to be paid to him annually during his life, out of any money therein.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 62.—An ACT giving further time to the owners of lots in certain towns to build on and improve the same.

(Passed December 30, 1802.)

Time allowed to build on lots in certain towns.

1. *Be it enacted by the general assembly*, That the further time of five years from and after the passing of this act, shall be, and is hereby allowed the proprietors of lots in the towns of Jonesville in the county of Lee, Jeffersonville in the county of Tazewell, Abingdon in the county of Washington, and Franklin in the county of Pendleton, to build on and improve the same; any law to the contrary notwithstanding.

Commencement.

2. This act shall commence and be in force from and after the passing thereof.

CHAP. 63.—An ACT authorizing the sale of certain real estate whereof Isham Clements died seized.

(Passed January 13, 1803.)

Court to appoint commissioners, and their duty specified.

1. *Be it enacted by the general assembly*, That the court of Amelia county shall be, and they are hereby authorized and required, to appoint commissioners with full power and authority to sell and dispose of, in such manner and upon such terms as the said court shall direct, a certain mill with one acre of land appertaining thereto, on each side of the river Appomattox, of which said mill and land, a certain Isham Clements, late of the said county of Amelia, died seized, intestate; and the money arising from the sale aforesaid, shall be divided by the said court among such persons as shall be entitled thereto, under an act, entitled, "*An act to reduce into one the several acts directing the course of descents*;" giving and reserving to the widow of the said Isham Clements such proportion of the money arising from the said sale as the said court shall adjudge just and reasonable; an account of which sale shall, by the commissioners, be returned to the said court and recorded among the records thereof.

Money arising from the sale how applied.

Commencement.

2. This act shall commence and be in force from the passing thereof.

CHAP. 64.—An ACT dissolving a marriage between Dabney Pettus and his wife Elizabeth.

(Passed January 4, 1803.)

Preamble.

1. Whereas it is represented, that in the month of March, one thousand eight hundred and one, a marriage was solemnized between Dabney Pettus and a certain Elizabeth Morris, who was descended from honest and respectable parents, and was at that time supposed to be unsullied in her reputation; that in the space of four or five months after the said marriage, the said Elizabeth was delivered of a mulatto child, and has since publicly and frequently acknowledged, that the father of the said child was a negro slave, and has voluntarily consented to a dissolution of the said marriage; and the said Dabney Pettus having petitioned the legislature to be divorced from his aforesaid wife, *Be it enacted*, That the said Dabney Pettus shall be and is hereby divorced from the said Elizabeth,

Marriage dissolved.

and the marriage between said Dabney and Elizabeth totally dissolved; that the said child be considered as illegitimate and incapable of inheriting any part of the estate of the said Dabney; that the power of the said Dabney over the person and property of the said Elizabeth, shall entirely cease; and she is hereby declared to be a *feme sole*, and the said Dabney no longer bound by any promise or contract hereafter made or entered into by her.

2. *And be it further enacted*, That whatsoever property of the said Elizabeth, the said Dabney hath received in consequence of the said marriage, or the value thereof, shall be restored by him to her, or her representatives.

3. This act shall be in force from the passing thereof.

Commencement.

CHAP. 65.—An ACT to repeal a part of the act, intituled, “An act authorizing the Patowmac company to open the Shenandoah river.”

(Passed January 4, 1803.)

1. *Be it enacted by the general assembly*, That so much of the act passed at the last session, intituled, “An act authorizing the Patowmac company to open the Shenandoah river,” as reserves to the legislature the right of reducing, after the expiration of seven years from the completion of the navigation of the said river, the tolls by the said act allowed, shall be and is hereby repealed.

2. And the tolls granted by the said act are hereby secured to the stockholders of the Patowmac company, their heirs and assigns forever, in the same manner that the tolls on the Patowmac have been heretofore secured by the legislatures of Virginia and Maryland.

3. *And be it further enacted*, That the term of five years allowed by the before recited act for compleating the navigation of the Shenandoah river shall be computed from the time of passing this act.

4. This act shall be in force from the passing thereof.

Commencement.

CHAP. 66.—An ACT for establishing a town at Hillsborough in the county of Loudoun.

(Passed December 31, 1802.)

1. *Be it enacted by the general assembly*, That twenty-five acres of land, the property of Mahlon Hough, Thomas Purcell, the representatives of John Jenny, deceased, Thomas Leslie, Thomas Hepburn, Joseph Tribby, Josiah White, John Foundling, Edward Conrod, Mahlon Roach, Thomas Stevens, Thomas Hough, Samuel Purcell, John Wolfcaille, Richard Matthews, James Prior, John Stevens, Richard Copeland and Mahlon Morris, in the county of Loudoun, so soon as the same shall be laid off into lots with convenient streets, be established a town by the name of Hillsborough, and that Mahlon Hough, Thomas Purcell, Thomas Leslie, Josiah White, Edward Conrod, Mahlon Roach and Thomas Stevens, gentlemen, shall be, and they are hereby constituted trustees thereof.

2. The trustees of the said town, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots. So soon as the purchaser of any lot in the said town, shall have built a dwelling house thereon, equal to twelve feet square, with a brick or stone chimney, such purchaser shall enjoy the same privileges that

All property received in consequence of the marriage to be restored.

Part of the act for opening the Shenandoah river repealed.

Tolls secured to the stockholders and their assigns forever.

Time for compleating the navigation.

Town of Hillsborough established.

Trustees.

Their duty.

Privileges of persons who improve their lots.

Of trustees, how vacancies shall be supplied.

Commencement.

the freeholders and inhabitants of other towns not incorporated, hold and enjoy. Vacancies by death or otherwise, of any one or more of the trustees, shall be supplied by the remaining trustees, or a majority of them, and the persons so elected shall have the same power as if they had been named in this act.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 67.—An ACT to amend and explain the laws respecting executions on behalf of the commonwealth, against sheriffs, or other public collectors.

[Passed January 21, 1803.]

Preamble.

1. Whereas it is provided by the laws as they now stand, that in case where the land of a public debtor taken under execution, cannot be sold for three fourths of its value in the opinion of the valuers of the county, it shall be sold on three months credit; and as there is in some counties a deficiency of valuers, whereby the sales of the lands of public debtors are in many instances impeded:

Court to appoint valuers of property taken under execution on behalf of the commonwealth.

2. *Be it therefore enacted by the general assembly,* That it shall be the duty of the court of every county and corporation within this commonwealth, to appoint six persons to judge of the value of property taken under execution in behalf of the commonwealth, where the law, as it now stands, requires such property to be valued; and no sale of lands under an execution on behalf of the commonwealth, shall take place, but in the presence of at least two of the said valuers. There shall be paid to each of the valuers appointed by virtue of this act, two dollars for each day's attendance at any sale, to be raised by the sheriff out of the property of the defendant, which shall be so sold, where there is one execution, or where there are more than one, to be raised from the property of each proportionably, to the amount of the several executions. The sheriff shall pay the said allowance to the commissioners, and in default thereof shall be liable to judgment and execution therefor, in the county or district court, on ten days notice, with full costs: *Provided,* That not more than three valuers shall be allowed for their attendance in any case. Every valuer before he takes upon him to act as a valuer of property under this act, shall take an oath for the faithful and impartial discharge of the duties of his office; and any valuer called upon by the sheriff or coroner, or other person authorized by law, to value property, and failing to attend, unless prevented by sickness or other good cause, shall forfeit and pay to the use of the commonwealth twenty dollars, to be recovered by motion in the court of the county, corporation or district, in which he resides, ten days previous notice being given.

Their allowance.

To be paid by the sheriff.

Not more than three valuers to be paid in any case.
Valuers to take an oath faithfully to discharge their duties.
Forfeiture for failure of duty.

How vacancies shall be filled.

3. Whenever a vacancy happens in the office of valuer under this act, by death, resignation or otherwise, it shall be the duty of the court of the county or corporation to supply the said vacancy by a new appointment.

When lands of public debtors cannot be sold, the executive authorized to appoint an agent to purchase and sell the same for the benefit of the commonwealth.

4. And whereas the land of public debtors, taken under execution, cannot in some instances, be sold for want of bidders: *Be it therefore enacted,* That the auditor of public accounts, whenever such case occurs, or whenever, for other cause, the land of a public debtor cannot be sold, may represent the case to the executive, who are hereby authorized to appoint an agent in the county where the land lies, to purchase it for the benefit of the commonwealth, which land so purchased, they may authorize the said agent, or any other,

to sell at such time and on such terms, whether for cash, or for credit, on good security, as at their discretion may seem best for the public interest; to which agent, in either case, the executive may make a reasonable compensation, to be raised out of the money arising from the sale of such land, where the same is sold for cash; or otherwise, out of the public treasury.

Agent's compensation.

5. And whereas by an act passed the thirtieth November, one thousand seven hundred and ninety-two, it was intended, that a fine should be inflicted on sheriffs and others, authorized to levy executions on behalf of the commonwealth, and failing so to do according to law, and the said act being found defective: For remedy thereof, *Be it enacted*, That all sheriffs, coroners or other persons, authorized to levy executions of any kind, on behalf of the commonwealth, and failing so to do according to law, shall forfeit and pay to the commonwealth, fifteen per centum on the amount of such execution, to be recovered by the auditor, on behalf of the commonwealth, by motion in the general court, giving ten days previous notice thereof.

Forfeiture for officer's failing to levy executions on behalf of the commonwealth.

6. *And be it further enacted*, That in all cases of writs of *fieri facias* against the lands and tenements, goods and chattels, of any public debtor, that it shall be the duty of the sheriff or coroner to levy the same on the goods and chattels, in the first instance, and if no goods and chattels can be found, or not a sufficiency to satisfy the said execution, that then the said sheriff or coroner shall proceed to satisfy the said execution by levying it on the lands and tenements of such debtor.

Writs of *fieri facias* against public debtors to be levied first on goods and chattels, and in case of a deficiency on their lands.

CHAP. 68.—An ACT to establish an academy in New Glasgow in Amherst county, or in its vicinity, and to incorporate the trustees thereof.

(Passed January 7, 1803.)

1. Whereas it has been communicated to this general assembly, that sundry inhabitants of Amherst county have subscribed large sums of money for the purpose of establishing an academy in or about the vicinity of New Glasgow in the said county, the site thereof to be fixed by the trustees or a majority of them:

Preamble.

2. *Be it enacted*, That the said academy shall be called and known by the name of the New Glasgow academy, and that the persons who have subscribed towards erecting the said academy, or a majority of them, shall be authorized and empowered to elect or choose as many fit and discreet persons to act as trustees of the said academy, as the said subscribers, or a majority of them, may think proper; and the persons so chosen shall be a body corporate, by the name of the trustees of the New Glasgow academy, and by that name shall have perpetual succession and a common seal.

New Glasgow academy established. A majority of subscribers to elect trustees.

Trustees incorporated.

3. The said trustees and their successors, by the name aforesaid, shall be able and capable in law to purchase, receive and hold any lands, tenements, rents, goods and chattels, which shall be given, conveyed or devised to them for the use of the said academy, and to sell, rent and dispose of the same in such manner as to them shall seem most beneficial for the academy. The said trustees and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, in any court of law or equity. They shall have the power of determining on, and adopting the system of education proper for the said academy; of appointing a president and such tutors as they from time to time may think proper, and of removing

Their powers and duty.

the said president and tutors, or any of them, as they from time to time may see fit, and of prescribing rules and regulations for their conduct in their respective offices. They shall fix the salaries of the president and tutors, and the fees of tuition; and from time to time form and establish such laws, rules, ordinances and regulations, not contrary to the laws and constitution of this commonwealth, as they shall judge necessary and proper for the government of the said academy.

A majority of trustees to constitute a board.

Trustees to appoint a secretary and treasurer.
Duty of the treasurer.

He shall take an oath before entering on the duties of his office.

Trustees to fix his salary.

He shall be subject to a judgment for failing to render accounts when required.

Trustees to receive subscriptions.
How delinquencies may be recovered.

How vacancies shall be filled.

Commencement.

4. A majority of the said trustees, and no smaller number, shall constitute a board to determine upon any matter relative to the establishment, government or support of the said academy.

5. The said trustees and their successors may also elect a secretary and treasurer. It shall be the duty of the treasurer to receive all monies accruing to the said academy, and property delivered to his care, and pay and deliver the same to the order of the said trustees; and before he enters on the execution of the duties of his office, shall give bond and security for such sum as the trustees shall direct, payable to them and their successors, with a condition for the faithful discharge of the trust reposed in him; and that he will, when required by the trustees, render to them a true account of all monies, goods and chattels received by him, on account of, and for the use of the said academy, for which, he shall receive such salary as shall be allowed by the said trustees.

6. If the treasurer shall neglect, or fail to render when thereto required, a just and true account of all monies, goods and chattels which shall come to his hands by virtue of his office, and also of all expenditures relative to the said academy, he shall for such failure be subject to a judgment, on motion in any court of record in this commonwealth, and execution may thereupon be awarded, in like manner as against sheriffs for non-payment of taxes: *Provided*, The party has ten days previous notice of such motion.

7. The said trustees shall have power to take and receive subscriptions, for the purpose of erecting the said academy and such other buildings as they may think necessary thereto; and if any person shall neglect or refuse to pay the money by him or her subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant before a magistrate, where the sum subscribed shall be cognizable before a single magistrate, and where it shall exceed that sum, by motion in the court of the county where the delinquent subscriber resides: *Provided*, The party has ten days previous notice of such motion.

8. Upon the death, resignation, removal or other legal disability of any of the said trustees, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them.

9. This act shall commence and be in force from and after the passing thereof.

CHAP. 69.—An ACT increasing the salaries of the inspectors at Woodson's and Spring warehouses.

(Passed January 18, 1803.)

Salaries increased.

1. *Be it enacted by the general assembly*, That instead of the allowance heretofore made to the inspectors of tobacco at Woodson's warehouse, in the county of Cumberland, there shall be allowed and paid annually to each of the said inspectors, two hundred and fifty dollars; and that instead of the allowance heretofore

made to the inspectors of tobacco at Spring warehouse, in the town of Lynchburg and county of Campbell, there shall be allowed and paid annually to each of the said inspectors, two hundred and eighty dollars, which several salaries by this act allowed, shall be paid in the same manner that the former salaries of the said inspectors were directed to be paid: *Provided always*, That if the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges and inspectors' salaries, the deficiency shall not be paid by the public.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. 70.—An ACT for reviving the inspection of tobacco at Poropotank warehouses in the county of Gloucester.

(Passed January 1, 1803.)

1. *Be it enacted by the general assembly*, That the inspection of tobacco at the warehouses at Poropotank in the county of Gloucester, shall be, and the same is hereby revived and established, under the like rules and regulations as prescribed by law for other tobacco inspections: *Provided always, and be it further enacted*, That if the quantity of tobacco inspected at the said warehouses shall not be sufficient to pay the usual charges, and the inspectors' salaries of one hundred dollars each annually, the deficiency shall not be paid by the public. Inspection revived.

2. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 71.—An ACT concerning David Parsons.

(Passed January 20, 1803.)

1. Whereas it is represented to this general assembly that the public ferry established by law on the land of David Parsons in the county of Hampshire, across the south branch of Potowmac river, is not only inconvenient to him, but from the extreme height of the banks and rapidity of the current, is also dangerous to passengers: Preamble.

2. *Be it therefore enacted*, That the said ferry, as established on the land of the said David Parsons in the county of Hampshire, across the said south branch of Potowmac river, shall be, and the same is hereby put down and discontinued, so soon as another public ferry shall be established on the said river on the land of William Buffington, or some other place equally convenient. Parsons's ferry discontinued, and another established in lieu thereof.

6. This act shall commence and be in force from and after the passing thereof. Commencement.

CHAP. 72.—An ACT for establishing a town on the lands of Joseph Tomlinson in the county of Ohio.

[Passed January 18, 1803.]

1. Whereas Joseph Tomlinson hath laid off forty acres of his land on the flats of Grave creek in the county of Ohio, into lots, streets and alleys: Preamble.

2. *Be it therefore enacted*, That the same is hereby established by the name of Elizabethtown; and that Joseph Biggs, Lazarus Harris, Jonathan Purdy, Jeremiah Woods and Jacob Whitsel, gentlemen, shall be, and they are hereby constituted trustees thereof. The trustees of the said town respectively, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and Elizabethtown established, and trustees appointed. Their powers.

Privileges of free-holders. determine all disputes concerning the bounds of the lots. So soon as the owners of any lot within the said town shall have built a dwelling house thereon equal to sixteen feet square, with a brick or stone chimney, such owner shall have and enjoy the same privileges and immunities which the freeholders and inhabitants of other towns not incorporated, hold and enjoy.

How vacancies shall be supplied. 3. Vacancies by death or otherwise of any one or more of the trustees of the said town respectively, shall be supplied by the remaining trustees, and the persons so elected shall have the same power as if they had been named in this act.

Commencement. 4. This act shall be in force from the passing thereof.

CHAP. 73.—An ACT suspending a certain judgment against Henry Garrett, late high sheriff of Louisa county, and for other purposes.

(Passed January 23, 1803.)

Preamble. 1. Whereas it appears, that Henry Garrett, high sheriff of the county of Louisa, for the year one thousand eight hundred and two, has not been able, in consequence of the expiration of his office, to make a collection of all the arrearages of taxes due him from the said county :

Judgment suspended. 2. *Be it therefore enacted by the general assembly,* That the judgment obtained against Henry Garrett, as sheriff of the county of Louisa, in the general court, at November term, one thousand eight hundred and two, for arrearages of taxes due the commonwealth, shall be, and the same is hereby suspended until the fifteenth day of May, one thousand eight hundred and three.

W. H. Broadbuss to distrain for taxes due for 1802. 3. *And be it further enacted,* That Warner H. Broadbuss shall be, and he is hereby invested with full power to distrain for any arrearages due him, as deputy of Henry Garrett, late high sheriff of Louisa county, for the year one thousand eight hundred and two :

H. Garrett to give security before the judgment is suspended. *Provided nevertheless,* That the said judgment shall not be suspended against the said Henry Garrett until he shall have given bond with two good securities, in double the amount of said judgment, in the clerk's office of the general court, to be taken by the clerk of said court, payable to the governor for the time being, and his successors, and conditioned for payment of the amount of said judgment with interest, on or before the said fifteenth day of May next, which bond shall have the force of a judgment, and on failing to pay the amount thereof into the treasury of this commonwealth, on or before the said fifteenth day of May next, it shall be the duty of the said clerk of the general court, at the request of the auditor, to issue execution thereon against the principal and securities, and on such execution to endorse that no security is to be taken, and on said execution the same proceedings shall and may be had as in other executions on behalf of the commonwealth against sheriffs for taxes.

Means to be used on his failing to pay the amount of bond.

Commencement. 4. This act shall commence and be in force from and after the passing thereof.

CHAP. 74.—An ACT allowing compensation to Eleanor Butts.

(Passed January 23, 1803.)

Preamble. 1. Whereas it appears, that during the revolutionary war, in the year one thousand seven hundred and eighty-one, the provision commissary for the county of Culpeper, impressed a beef of Eleanor Butts of the said county, weighing four hundred pounds gross ; that

she received a receipt for the same, which receipt was accidentally lost, whereby she was prevented from obtaining compensation :

2. *Be it therefore enacted by the general assembly,* That the auditor of public accounts shall be, and he is hereby authorized and directed to issue a warrant on the treasury for twenty dollars to be paid to Eleanor Butts, out of any money therein, as a compensation for a beef taken from her by the provision commissary for the county of Culpeper, in the year one thousand seven hundred and eighty-one.

3. This act shall commence and be in force from and after the passing thereof.

CHAP. 75.—An ACT concerning the Patowmac company.

(Passed January 27, 1803.)

1. Whereas it appears by a memorial from the directors of the Patowmac company, that the locks erected at the great falls are only twelve feet in breadth, instead of fourteen feet as the law directs :

2. *Be it enacted and declared,* That the said locks which have been already erected and completed, shall be deemed and taken as sufficient and effectual as if the same had been constructed and erected of the breadth of fourteen feet: *Provided always,* That nothing herein contained shall be construed to authorize the erecting in future any lock or locks for the improvement of the navigation of said river, of any dimensions less than eighty feet in length and twelve feet in breadth: *Provided also,* That every lock which shall hereafter be repaired or erected, shall be repaired or erected of stone, or such materials as a general meeting of the proprietors shall deem most conducive to the public interest and convenience.

3. And whereas it appears by the said memorial, that doubts have arisen relative to the true construction of the seventeenth section of the act, entitled, "*An act for opening and extending the navigation of the Patowmac river,*" in the specification therein mentioned and expressed of the seasons in which the said river shall be made well capable of being navigated: *Be it therefore enacted and declared,* That by the words "dry seasons," as used in the said section, were and are to be intended and understood, all seasons, so far as relates to the navigation of said river from Fort Cumberland to tide water.

4. *And be it enacted,* That Tobias Lear, Stevens Thomson Mason, Lawrence A. Washington, Hugh Holmes, Nicholas Fitzhugh, Osborne Sprigg, and Edward McCarty, shall, and are hereby appointed commissioners, to explore and review the said river, at any time before the first day of November, when the water is in such a state as to enable them to judge most accurately of the work which has been done by said company, and they shall report to the next general assembly, the manner in which the said work is done, the depth of the water in the shallowest places where boats generally pass, and all other necessary information that can be procured relative to the subject, together with their own opinions thereon.

5. *And be it further enacted,* That the said Patowmac company are hereby authorized and empowered to employ from the state of Maryland, slaves for the purpose of further improving the navigation of the said river, and that the slaves so employed, shall not be entitled to their freedom in consequence of such removal from the state of Maryland, any law to the contrary notwithstanding.

A further time allowed for completing the navigation.

6. *Be it enacted*, That the further time of three years to be computed from the expiration of the term already given, shall be, and is hereby allowed the Patowmac company to complete the navigation of said river.

A majority of commissioners may execute the duties assigned them, and be paid for their services.

7. *Provided*, That a majority of the said commissioners shall be sufficient to execute the duties assigned them by this act; who shall be paid for their services by the Patowmac company.

8. This act shall commence and be in force from and after the passing thereof.

CHAP. 76.—An ACT to carry into effect an act, intituled, "An act providing for the opening a road from the upper navigation of James river to the upper navigation of Kanawha river."

(Passed January 29, 1803.)

Preamble.

1. Whereas by an act of the general assembly, passed at the last session, the governor, with the advice of council, was authorized and required to cause to be explored the nearest and most convenient route for conducting a waggon road from the highest point of navigation on James river, to the highest practicable point of navigation on the Kanawha river: and whereas, the executive, pursuant to the said act, appointed commissioners who explored said route and made a report to the present general assembly; and it appearing of public utility, that the purposes of the said recited act should be carried into effect:

Road to be opened.

2. *Be it therefore enacted by the general assembly*, That a waggon road be opened and improved at the expense of the commonwealth, to commence at the mouth of Dunlap's creek in the county of Botetourt, by Greenbrier courthouse, from thence by Peter's creek to the plantation of Carroll Morris on the Great Kanawha river, as explored by the said commissioners, and designated on a map by them transmitted to the general assembly; and in order to carry the purposes of this act more fully into effect:

Superintendent appointed.

3. *Be it further enacted*, That David Rufiner be appointed superintendent, for the purpose of superintending the opening and improving said road under the regulations hereafter mentioned.

He shall give bond and security.

4. The said superintendent shall, on or before the first day of June next, enter into bond, payable to the governor and his successors, with sufficient security in the penalty of five thousand dollars, conditioned for the faithful performance of his duty as directed by this act; and shall moreover, take an oath, truly to execute his duty as superintendent, which said bond may be executed, and said oath taken, before any of the courts of Botetourt, Greenbrier or Kanawha.

And take an oath to discharge his duties faithfully.

Labourers, &c. to be employed.

5. It shall be the duty of the said superintendent, within one month after the period aforesaid, to employ so many labourers, horses and carriages, as will be sufficient to open and clear said road, for such term of service, and for such compensation, as he may deem necessary and expedient; and shall forthwith commence said labour, and continue the same until the said road be completely opened and cleared.

Every two months the superintendent to report to the executive.

6. The said superintendent shall, once in every two months after the commencement of said work, make report of their progress to the executive and render an account of the amount of monies disbursed, with a statement of the several items which occasioned the expenditure; he shall at all times be liable to the control of the

executive, not only in the plan of carrying on the operations, but in the establishment of compensation to those who are employed, and other expenditures; and the executive are hereby authorized and required at any time when it shall appear to them, that the plans and operations of the said superintendant are not conducive to the public interest and convenience, to change the same in such manner as they may conceive necessary and expedient; and shall moreover have power to remove the said superintendant for misbehaviour or failure of duty.

He shall be liable to the control of the executive.

7. The said superintendant failing to perform any of the duties imposed by this act, shall be liable to a penalty of one hundred dollars for every such failure, to be recovered in any court within this commonwealth, for the use of the public. And it shall be the duty of the attorney prosecuting for the commonwealth, in the district court holden at the Sweet springs to institute a suit or suits against him on information of any failure; and the executive are hereby required to transmit information of such failure to the said attorney, at any time when the same, in their opinion, shall have happened.

Penalty for failure of duty.

How he shall be prosecuted.

8. All sums of money in the hands of any superintendant who shall be dismissed, or any sum in his hands after the said work shall be compleated, may be recovered on motion, as in the case of other public debtors.

How money in the hands of dismissed superintendants may be recovered.

9. In case of vacancy by death, refusal to accept, or removal of the said superintendant, the governor with the advice of council, shall supply such vacancy, and the superintendant so appointed, shall be subject to the same regulations, penalties and recoveries as are herein provided in the case of the appointment by this act.

How vacancies may be filled.

10. The compensation to the said superintendant, shall be two dollars for every day he shall be employed in carrying this act into effect.

Compensation.

11. The executive shall make a compleat report of the operations herein before authorized, to the next general assembly.

Executive to make report to the general assembly. Money appropriated.

12. The sum of three thousand dollars is hereby appropriated for the opening and compleating said road, to be paid out of any money unappropriated in the treasury, to be paid into the hands of the said superintendant by order of the executive, from time to time as they may deem it expedient.

13. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. 77.—An ACT to explain and amend the act, entitled, "An act to amend the act, entitled, 'An act for the appointment of harbour masters, and declaring their duty.'"

[Passed January 26, 1803.]

1. Whereas it is represented to this general assembly, that Norfolk county wharf and dock in the Borough of Norfolk, have been crowded with numbers of vessels, flats and lighters, insomuch that the public ferry boats under the directions of the said county are much obstructed in their passage to and from the same: For remedy whereof,

Preamble.

2. *Be it enacted*, That it shall be the duty of the harbour master to see that all vessels coming in the said dock shall be properly moored along side of each other in such manner as to leave a sufficient space for the public ferry boats to pass and repass.

Duty of the harbour master.

Penalty for failure of duty.

How applied.

Repealing clause.

Commencement.

3. And if the harbour master shall neglect his duty herein, by suffering any vessel, flat or lighter to lie across the said dock so as to prevent the passage of the public ferry boats, he shall forfeit and pay the sum of ten dollars for every such offence, with costs, to be recovered by warrant by any person who will prosecute for the same, before any justice of the peace for this commonwealth; which fine shall be applied for the use of the county towards repairing the county wharf in the said dock, and he shall moreover be liable to be removed from office.

4. All acts coming within the purview of this act, shall be, and the same are hereby repealed.

5. This act shall commence and be in force from and after the passing thereof.

CHAP. 78.—An ACT authorizing the erection of mills on Little Kanawha river.

(Passed January 12, 1803.)

Preamble.

1. Whereas it is represented to this present general assembly, that the erection of mills on Little Kanawha river in the county of Wood, would be attended with great convenience:

Commissioners to be appointed to examine whether the erection of mills, &c. would obstruct the navigation.

2. *Be it therefore enacted*, That five commissioners shall be appointed by the court of Wood county, whose duty it shall be to enquire and ascertain whether any and what obstructions to navigation would arise from the erection of mills and mill dams across the said river. And if upon report of the said commissioners, or a majority of them, to the county court of Wood, it shall be found that no obstruction to navigation will result therefrom,

Should they not be considered obstructions, mills may be erected.

3. *Be it then enacted*, That it shall and may be lawful to erect and build a mill or mills on Little Kanawha river: *Provided*, That nothing herein contained shall be construed into a power to obstruct the ordinary navigation of the same.

Commencement.

4. This act shall commence and be in force from and after the passing thereof.

RESOLUTIONS.

IN THE HOUSE OF DELEGATES.

TUESDAY, December 14, 1802.

Resolved, That James Monroe, late governor of this commonwealth, deserves the thanks of the general assembly for the zeal, fidelity and ability, with which he has discharged the various duties of his office.

Thanks of the assembly to James Monroe for his conduct as governor.

December 18th, 1802, agreed to by the senate.

WEDNESDAY, December 15, 1802.

Resolved, That the confidence of this legislature in the wisdom, patriotism, and private worth, of the president of the United States, is not only undiminished, but increased, and that the constitutional and just principles of his administration, and his undeviating rectitude in their execution, merit the entire approbation of his country.

Administration of the president of the U. States approved.

Agreed to by the senate, December 18, 1802.

WEDNESDAY, January 26, 1803.

Resolved, That the executive cause to be presented to the secretary of war, for the United States, a stand of arms made at the Richmond manufactory.

Secretary of war to be presented with a stand of arms.

Agreed to by the senate, January 28, 1803.

Whereas the general assembly at their last session authorized the executive to appoint commissioners to settle and adjust with the state of Maryland, the western boundary of the said state, whenever commissioners should be appointed on their part to meet and adjust the same, which power hath remained unexecuted until this time :

Commissioners to be appointed by the executive, whenever others shall be appointed by Maryland, to adjust the western boundary of said state.

Therefore resolved, That the executive be, and they are hereby authorized to carry the said resolution into effect, whenever the state of Maryland shall signify their wishes to execute it, and shall proceed to appoint commissioners on their part for that purpose.

And whereas the state of Maryland hath proposed an adjustment of the northern boundary of this state by the same commissioners, as well as any claim which either state may have to territory within the limits of the other, which proposition was not acceded to by this commonwealth, inasmuch as the boundary aforesaid hath been long known, established and acquiesced in by both parties, in all their public acts in relation to that subject, and inasmuch as the general assembly were ignorant of any claim which either of the states could have to territory within the limits of the other. Nevertheless, as they are willing at all times to treat with respect any application coming from so respectable a source, even when they entertain no doubts themselves :

The executive to appoint persons to collect testimony relative to the northern boundary of this state. Expenses to be paid.

Therefore resolved, That the executive be authorized to appoint three fit persons, to collect all such testimony on the subject of the said boundary as they may deem important, and make report thereof to the next general assembly, and to cause any necessary expenses which may be incurred in procuring the evidence aforesaid, to be paid out of any unappropriated money in the treasury.

January 29th, 1803, agreed to by the senate.

FRIDAY, January 28, 1803.

Assembly resolves to maintain measures adopted by the general government relative to the boundaries of the United States, and the navigation of the Mississippi.

The general assembly of Virginia participating in the feelings which have been excited on receiving the information relative to the obstructions of the navigation of the Mississippi, by which the immediate interests of their constituents, as well as the general interests of the commerce and navigation of the United States, are affected, contrary to the most solemn stipulations by treaty, and in derogation of their natural rights:

Resolved, That having full confidence in the wisdom, integrity, and firmness of the government of the United States, they believe that such measures will be pursued in the first place, as humanity and due regard to our rights and interests shall dictate, but should those prove ineffectual, then that such measures will be adopted as become a free and independant nation, who know their rights and are able to defend them; and that the general assembly will at all times give their sincere co-operation in maintaining the established boundaries of the United States, and the rights of navigation and commerce through the river Mississippi.

Agreed to by the senate, January 29, 1803.

I, GEORGE W. MUNFORD, keeper of the rolls of the commonwealth of Virginia, do hereby certify, that the laws and resolutions contained in the second volume of "*The Statutes at Large of Virginia*," (new series.) by SAMUEL SHEPHERD, have been compared by me with the originals from which they were taken, and found to be truly and accurately printed, except the following list of errata. Given under my hand this 19th day of July, 1836.

GEORGE W. MUNFORD,
Keeper of the Rolls of Va.

ERRATA.

- Page 32, ch. 22, § 1, line 7, for "by," read "be."
 70, line 2, after "An," insert "Act."
 129, ch. 70, § 1, line 12, for "corporate," read "corporate."
 189, ch. 81, line 2, for "Virginia," read "Virginia."
 223, ch. 33, § 2, line 2, for "Fauquir," read "Fauquier."
 258, ch. 10, § 2, for "commence and be in force from and after," read "commence in force from."
 259, ch. 13, line 7, for "right of," read "right to."
 289, ch. 55, line 7, for "become," read "became."
 300, ch. 70, line 13, strike out the word "hereby."
 322, § 10, line 3, for "institute," read "institute."
 396, resolution 4th, last line, for "February 11th," read "February 1st."
 419, § 5, line 8, for "town," read "towns."
 462, § 3, line 2, for "treasuser," read "treasurer."

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